

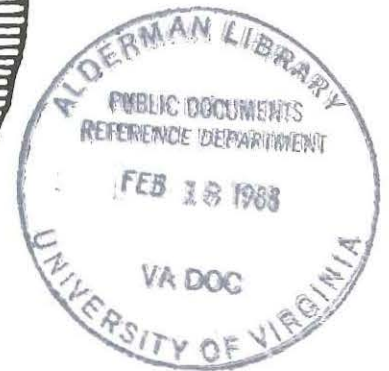
# THE VIRGINIA REGISTER

OF REGULATIONS

COD  
5/R26/  
4-9

R

VA  
DOC



VOLUME FOUR • ISSUE NINE

February 1, 1988

# 1988

PAGES 753 THROUGH 888

# INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

## VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the *Virginia Tax Bulletin* issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

## ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative

objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

## EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

## STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

## CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

"The *Virginia Register of Regulations*" is published bi-weekly, except four times in January, April, July and October for \$85 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Application to Mail at Second-Class Postage Rates is Pending at Richmond, Virginia.  
**POSTMASTER:** Send address changes to the *Virginia Register of Regulations*, P.O. Box 3-AG, Richmond, Virginia 23208.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

**Members of the Virginia Code Commission:** Theodore V. Morrison, Jr., *Chairman*, Delegate; Dudley J. Emick, Jr., *Vice Chairman*, Senator; A. L. Philpott, *Speaker of the House of Delegates*; James P. Jones, *Senator*; Russell M. Carneal, *Circuit Judge*; John Wingo Knowles, *Retired Circuit Judge*; H. Lane Kneedler, *Chief Deputy Attorney General*; John A. Banks, Jr., *Secretary*, Director of the Division of Legislative Services.

**Staff of the Virginia Register:** Joan W. Smith, *Registrar of Regulations*; Ann M. Brown, *Deputy Registrar of Regulations*.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

January 1988 through March 1989

**MATERIAL SUBMITTED BY**

Noon Wednesday

**PUBLICATION DATE**

Volume 4 - 1987-88

Dec. 30	Jan. 18
Jan. 13	Feb. 1
Jan. 27	Feb. 15
Feb. 10	Feb. 29
Feb. 24	Mar. 14
Mar. 9	Mar. 28

Index - 2nd Issue, Vol. 4

Mar. 23	Apr. 11
Apr. 6	Apr. 26
Apr. 20	May 9
May 4	May 23
May 18	June 6
June 1	June 20

Index - 3rd Issue, Vol. 4

June 15	July 4
June 29	July 18
July 13	Aug. 1
July 27	Aug. 15
Aug. 10	Aug. 29
Aug. 24	Sept. 12
Sept. 7	Sept. 26

Final Index - Vol. 4

Volume 5 - 1988-89

Sept. 21	Oct. 10
Oct. 5	Oct. 24
Oct. 19	Nov. 7
Nov. 2	Nov. 21
Nov. 16	Dec. 5
Nov. 30	Dec. 19
Dec. 14	Jan. 2, 1989

Index 1 - Volume V

Dec. 28	Jan. 16
Jan. 11	Jan. 30
Jan. 25	Feb. 13
Feb. 8	Feb. 27
Feb. 22	Mar. 13
Mar. 8	Mar. 27

Index 2 - Volume V

# TABLE OF CONTENTS

<p style="text-align: center;"><b>PROPOSED REGULATIONS</b></p> <p style="text-align: center;"><b>VIRGINIA HOUSING DEVELOPMENT AUTHORITY</b></p> <p>Procedures, Instructions and Guidelines for Multi-Family Housing Developments. (VR 400-02-0001) ..... 755</p> <p>Virginia Housing Fund Procedures, Instructions and Guidelines. (VR 400-02-0012) ..... 768</p> <p style="text-align: center;"><b>VIRGINIA BOARD OF PROFESSIONAL COUNSELORS</b></p> <p>Regulations Governing the Practice of Professional Counseling. (VR 560-01-02) ..... 770</p> <p style="text-align: center;"><b>DEPARTMENT OF SOCIAL SERVICES (BOARD OF)</b></p> <p>Standards and Regulations for Licensed Homes for Adults. (VR 615-22-02) ..... 776</p> <p style="text-align: center;"><b>DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)</b></p> <p>Minimum Standards of Entrances to State Highways. (VR 385-01-06) ..... 802</p> <p style="text-align: center;"><b>FINAL REGULATIONS</b></p> <p style="text-align: center;"><b>DEPARTMENT OF CORRECTIONS (STATE BOARD OF)</b></p> <p>Minimum Standards for Jails and Lockups. (VR 230-30-001) ..... 832</p> <p style="text-align: center;"><b>DEPARTMENT OF GENERAL SERVICES</b></p> <p>Regulations for the <sup>A-</sup> <del>Withdrawn</del> of Independent Laboratories to <sup>A-</sup> <del>Withdrawn</del> for Drugs in Driving Under the In <sup>A-</sup> <del>Withdrawn</del> Cases. (VR 300-02-02) ..... 841</p> <p>Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under Influence Cases. (VR 330-02-03) ..... 847</p> <p style="text-align: center;"><b>DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)</b></p> <p>Technical Amendment (HCFA PM 87-14): State Plan for Medical Assistance. .... 852</p> <p style="text-align: center;"><b>DEPARTMENT OF MINES, MINERALS AND ENERGY</b></p> <p>Public Participation Guidelines. (VR 480-01-1) ..... 852</p>	<p style="text-align: center;"><b>STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS</b></p> <p>Rules and Regulations of the State Board of Examiners for Nursing Home Administrators. (VR 500-01-2) ..... 854</p> <p style="text-align: center;"><b>EMERGENCY REGULATIONS</b></p> <p style="text-align: center;"><b>DEPARTMENT OF HEALTH (STATE BOARD OF)</b></p> <p>Disease Reporting and Control. (VR 355-23-01) ..... 861</p> <p style="text-align: center;"><b>DELEGATIONS OF DUTIES AND RESPONSIBILITIES</b></p> <p>Delegations of Authority ..... 864</p> <p style="text-align: center;"><b>GENERAL NOTICES/ERRATA</b></p> <p style="text-align: center;"><u>NOTICES OF INTENDED REGULATORY ACTION</u></p> <p>Notices of Intent ..... 865</p> <p style="text-align: center;"><u>GENERAL NOTICES</u></p> <p style="text-align: center;"><b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b></p> <p>Exceptions to Testing for Equine Infectious Anemia - Division Administrative No. 87-1. .... 866</p> <p style="text-align: center;"><b>COUNCIL ON THE ENVIRONMENT</b></p> <p>Public notice to include Virginia's Chesapeake Bay Initiatives. .... 869</p> <p style="text-align: center;"><b>STATE MILK COMMISSION</b></p> <p>Public hearing notice regarding adjusting all Class 1 prices. .... 869</p> <p style="text-align: center;"><u>NOTICE TO STATE AGENCIES</u></p> <p>Forms for filing material on date for publication in the Virginia Register of Regulations ..... 870</p> <p style="text-align: center;"><u>ERRATA</u></p> <p style="text-align: center;"><b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b></p> <p>Rules and Regulations for the Enforcement of the Virginia Seed Potato Inspection Law. (VR 115-03-08) ..... 870</p>
---	---

# Table of Contents

---

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Regulation for Criminal Record Checks. (VR 615-32-02) .....	870
---	-----

## CALENDAR OF EVENTS

### EXECUTIVE

Open Meetings and Public Hearings .....	871
---	-----

### LEGISLATIVE

Open Meetings and Public Hearings .....	886
---	-----

### CHRONOLOGICAL LIST

Open Meetings .....	886
Public Hearings .....	888

# PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

**Title of Regulation:** VR 400-02-0001. **Procedures, Instructions and Guidelines for Multi-Family Housing Developments.**

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

**Public Hearing Date:** N/A  
(See Calendar of Events section for additional information)

### Summary:

*The proposed amendments to the Procedures, Instructions and Guidelines for Multi-Family Housing Developments will modify the authority's regulatory controls on rents, income limits, annual cash distributions and loan prepayments for financially sound developments on which the tax benefits have been so reduced as to provide the owners with insufficient financial return.*

VR 400-02-0001. Procedures, Instructions and Guidelines for Multi-Family Housing Developments.

### § 1. Purpose and applicability.

The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the Virginia Housing Development Authority (the "authority") to mortgagors to provide the construction and/or permanent financing of multi-family housing developments intended for occupancy by persons and families of low and moderate income ("development" or "developments"). These procedures, instructions and guidelines shall be applicable to the making of such mortgage loans directly by the authority to mortgagors, the purchase of such mortgage loans, the participation by the authority in such mortgage loans with mortgage lenders and any other manner of financing of such mortgage loans under the Virginia Housing Development Authority Act (the "Act"). These procedures, instructions and guidelines shall not, however, apply to any developments which are subject to any other procedures, instructions and guidelines adopted by the authority. If any mortgage loan is to provide either the construction or permanent financing (but not both) of

a development, these procedures, instructions and guidelines shall be applicable to the extent determined by the executive director to be appropriate for such financing. If any development is subject to federal mortgage insurance or is otherwise assisted or aided, directly or indirectly, by the federal government, the applicable federal rules and regulations shall be controlling over any inconsistent provision. Furthermore, if the mortgage loan on any development is to be insured by the federal government, the provisions of these procedures, instructions and guidelines shall be applicable to such development only to the extent determined by the executive director to be necessary in order to (i) protect any interest of the authority which, in the judgment of the executive director, is not adequately protected by such insurance or by the implementation or enforcement of the applicable federal rules, regulations or requirements or (ii) to comply with the Act or fulfill the authority's public purpose and obligations thereunder. Developments shall include housing intended to be owned and operated on a cooperative basis. The term "construction", as used herein, shall include the rehabilitation, preservation or improvement of existing structures.

These procedures, instructions and guidelines shall supersede the processing procedures, instructions and guidelines adopted by the authority on January 17, 1984.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any development to waive or modify any provision herein where deemed appropriated by him for good cause, to the extent not inconsistent with the Act, the authority's rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein refers to the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the Board of Commissioners of the authority (the "board").

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the mortgagor, the contractor or other members of the development team under the initial closing documents as described in § 7 of these procedures, instructions and guidelines.

# Proposed Regulations

---

These procedures, instructions and guidelines are intended to provide a general description of the authority's processing requirements and not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's multi-family housing programs. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to any particular development or developments or any multi-family housing program or programs.

## § 2. Income limits and general restrictions.

Under the authority's rules and regulations, to be eligible for occupancy of a multi-family dwelling unit, a person or family shall not have an adjusted family income (as defined therein) greater than seven times the total annual rent, including utilities except telephone, applicable to such dwelling unit. The authority's rules and regulations authorize its board to establish from time to time by resolution lower income limits for initial occupancy.

In the case of developments for which the authority has agreed to permit the mortgagor to establish and change rents without the prior approval of the authority (as described in § § 11 and 14 of these procedures, instructions and guidelines), at least 20% of the units in each such development shall be occupied or held available for occupancy by persons and families whose incomes (at the time of their initial occupancy) do not exceed 80% of the area median income as determined by the authority, and the remaining units shall be occupied or held available for occupancy by persons and families whose incomes (at the time of their initial occupancy) do not exceed 150% of such area median income as so determined.

Futhermore, in the case of developments which are subject to federal mortgage insurance or assistance or are financed by notes or bonds exempt from federal income taxation, federal regulations may establish lower income limitations which in effect supersede the authority's income limits as described above.

If federal law or rules and regulations impose limitations on the incomes of the persons or families who may occupy all or any of the units in a development, the adjusted family incomes (as defined in the authority's rules and regulations) of applicants for occupancy of all of the units in the development shall be computed, for the purpose of determining eligibility for occupancy thereof under the authority's rules and regulations and these procedures, instructions and guidelines, in the manner specified in such federal law and rules and regulations, subject to such modifications as the executive director shall require or approve in order to facilitate processing, review and approval of such applications.

Notwithstanding anything to the contrary herein, all developments and the processing thereof under the terms hereof must comply with (i) the Act and the authority's rules and regulations; (ii) the applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued by the authority to finance such developments; (iii) in the case of developments subject to federal mortgage insurance or other assistance, all applicable federal laws and regulations relating thereto; and (iv) the requirements set forth in the resolutions pursuant to which the notes or bonds are issued by the authority to finance the developments. Copies of the authority's note and bond resolutions are available upon request.

## § 3. Terms of mortgage loans.

The authority may make or finance mortgage loans secured by a lien on real property or, subject to certain limitations in the Act, a leasehold estate in order to finance development intended for occupancy by persons and families of low and moderate income. The term of the mortgage loan shall be equal to (i) if the mortgage loan is to finance the construction of the proposed development, the period determined by the executive director to be necessary to: (1) complete construction of the development, (2) achieve sufficient occupancy to support the development and (3) consummate the final closing of the mortgage loan; plus (ii) if the mortgage loan is to finance the ownership and operation of the proposed development, an amortization period set forth in the mortgage loan commitment but not to exceed 45 years. The executive director may require that such amortization period not extend beyond the termination date of any federal insurance, assistance or subsidy.

Mortgage loans may be made to: (i) for-profit housing sponsors in original principal amounts not to exceed the lesser of the maximum principal amount specified in the mortgage loan commitment or such percentage of the housing development costs of the development as is established in such commitment, but in no event to exceed 95%; and (ii) nonprofit housing sponsors in original principal amounts not to exceed the lesser of the minimum principal amount specified in the mortgage loan commitment or such percentage of the housing development costs of the development as is established in such commitment, but in no event to exceed 100%.

The maximum principal amount and percentage of housing development costs specified or established in the mortgage loan commitment shall be determined by the authority in such manner and based upon such factors as it deems relevant to the security of the mortgage loan and fulfillment of its public purpose. Such factors may include the fair market value of the proposed development as completed, the economic feasibility and marketability of the proposed development at the rents necessary to pay the debt service on the mortgage loan and the operating expenses of the proposed development, and the income levels of the persons and families who would be able to

afford to pay such rents.

In accordance with the authority's rules and regulations, the executive director is authorized to prepare and from time to time revise a cost certification guide for mortgagors, contractors and certified public accountants (the "cost certification guide") which shall, unless otherwise agreed to by the authority, govern the extent to which costs may be eligible for inclusion in the housing development costs as determined by the authority at final closing. Copies of such guide are available upon request.

The interest rate on the mortgage loan shall be established at the initial closing and may be thereafter adjusted in accordance with the authority's rules and regulations and terms of the deed of trust note. The authority shall charge a financing fee equal to 2.5% of the mortgage loan amount, unless the executive director shall for good cause require the payment of a different financing fee. Such fee shall be payable at such times as hereinafter provided or at such other times as the executive director shall for good cause require.

#### § 4. Solicitation of proposals.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit proposals for the financing of developments. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of proposals and the selection of developments as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available funds of the authority are to be allocated and such other matters as he shall deem appropriate relating to the selection of proposals. The authority may also consider and approve proposals for financing of developments submitted from time to time to the authority without any solicitation therefor on the part of the authority.

#### § 5. Application and acceptance for processing.

Application for a mortgage loan shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority, including, but not limited to: initial site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial

status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the mortgagor (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; a preliminary estimate of the housing development costs and the individual components thereof; the proposed schedule of rents; a preliminary estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the tenants of dwelling units in the proposed development; and the amount of any federal insurance, subsidy or assistance which the applicant is requesting for the proposed development.

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each proposed development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. An evaluation of the ability, experience and financial capacity of the applicant and general contractor and the qualifications of the architect, management agent and other members of the proposed development team;
3. A preliminary evaluation of the estimated construction costs and the proposed design and structure of the proposed development;
4. A preliminary review of the estimated operating expenses and proposed rents and a preliminary evaluation of the adequacy of the proposed rents to sustain the proposed development based upon the assumed occupancy rate and estimated construction and financing costs; and
5. A preliminary evaluation of the marketability of the proposed development.

Based on the authority's review of the applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority in its review of the proposed developments, the executive director shall accept for processing those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed development and is not now, nor is it likely



# Proposed Regulations

---

in the future to become, subject to uses or deterioration which could cause undue depreciation in the value of the proposed development or which could adversely affect its operation, marketability or economic feasibility.

2. There are or will be available on or before the estimated completion date (i) direct access to adequate public roads and utilities and (ii) such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.

3. The characteristics of the site (such as its size, topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development, and the site is free from any defects which would have a materially adverse effect on such construction and operation.

4. The location of the proposed development will promote and enhance the marketability of the units to the person and families intended for occupancy thereof.

5. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to process the application and consummate the initial closing.

6. The design of the proposed development is attractive and esthetically appealing, will contribute to the marketability of the proposed development, makes use of materials to reduce energy and maintenance costs, provides for a proper mix of units for the residents intended to be benefitted by the authority's program, provides for units with adequate, well-designed space, includes equipment and facilities customarily used or enjoyed in the area by the contemplated residents, and will otherwise provide a safe, habitable and pleasant living environment for such residents.

7. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions, and guidelines, the estimated construction costs and operating expenses appear to be complete, reasonable and comparable to those of similar developments.

8. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions, and guidelines, the proposed rents appear to be at levels which will: (i) be affordable by the

persons and families intended to be assisted by the authority; (ii) permit the successful marketing of the units to such persons and families; and (iii) sustain the operation of the proposed development.

9. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development.

10. The architect, management agent and other members of the proposed development team have the qualifications necessary to perform their respective functions and responsibilities.

11. The application and proposed development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these procedures, instructions and guidelines.

12. The proposed development will contribute to the implementation of the policies and programs of the authority in providing decent, safe and sanitary rental housing for low and moderate income persons and families who cannot otherwise afford such housing and will assist in meeting the need for such housing in the market area of the proposed development.

13. It appears that the proposed development and applicant will be able to meet the requirements for feasibility and commitment set forth in § 6 of these procedures, instructions and guidelines and that the proposed development will otherwise continue to be processed through initial closing and will be completed and operated, all in compliance with the Act and the authority's rules and regulations, the documents and contracts executed at initial closing, applicable federal laws, rules and regulations, and the provisions of these procedures, instructions and guidelines and without unreasonable delay, interruptions or expense.

If only one application is being reviewed for acceptance for processing, the executive director shall accept such application for processing if he determines that such application adequately satisfies the foregoing criteria.

In the selection of an application or applications for processing, the executive director may take into account the desirability of allocating funds to different sponsors throughout the Commonwealth of Virginia.

Applications shall be selected only to the extent that the authority has or expects to have funds available from the sale of its notes or bonds to finance mortgage loans for the proposed developments.

Nothing contained herein shall require the authority to select any application which, in the judgment of the

executive director, does not adequately satisfy the foregoing criteria.

The executive director's determinations with respect to the above criteria shall be based only on the documents and information received or obtained by him at that time and are subject to modification or reversal upon his receipt of additional documents or information at a later time. In addition, the application shall be subject to further review in accordance with § 6 of these procedures, instructions and guidelines.

The executive director may impose such terms and conditions with respect to acceptance for processing as he shall deem necessary or appropriate. If any proposed development is so accepted for processing, the executive director shall notify the sponsor of such acceptance and of any terms and conditions imposed with respect thereto and may require the payment by the sponsor of a nonrefundable processing fee of 0.25% of the estimated mortgage loan amount. Such fee shall be applied at initial closing toward the payment of the authority's financing fee.

If the executive director determines that a proposed development to be accepted for processing does not adequately satisfy one or more of the foregoing criteria, he may nevertheless accept such proposed development for processing subject to satisfaction of the applicable criteria in such manner and within such time period as he shall specify in his notification of acceptance. If the executive director determines not to accept any proposed development for processing, he shall so notify the sponsor.

## § 6. Feasibility and commitment.

In order to continue the processing of the application, the applicant shall file, within such time limit as the executive director shall specify, such forms, documents and information as the executive director shall require with respect to the feasibility of the proposed development, including without limitation the following:

1. Any additions, modifications or other changes to the application and documents previously submitted as may be necessary or appropriate to make the information therein complete, accurate and current;
2. Architectural and engineering plans, drawings and specifications in such detail as shall be necessary or appropriate to determine the requirements for construction of the proposed development;
3. The applicant's (i) best estimates of the housing development costs and the components thereof; (ii) proposed mortgage loan amount; (iii) proposed rents; (iv) proposed annual operating budget and the individual components thereof; (v) best estimates of the monthly utility expenses and other costs for each dwelling unit if paid by the resident; and (vi) amount of any federal insurance, subsidy or assistance that

the applicant is requesting for the proposed development. The applicant's estimates shall be in such detail and with such itemization and supporting information as shall be requested by the executive director;

4. The applicant's management, marketing and tenant selection plans, including description and analysis of marketing and tenant selection strategies, techniques and procedures to be followed in marketing the units and selecting tenants; and

5. Any documents required by the authority to evidence compliance with all conditions and requirements necessary to acquire, own, construct, operate and manage the proposed development, including local governmental approvals, proper zoning status, availability of utilities, licenses and other legal authorizations necessary to perform requisite functions and any easements necessary for the construction and operation of the development.

The executive director may for good cause permit the applicant to file one or more of the foregoing forms, documents and information at a later time, and any review, analysis, determination or other action by the authority or the executive director prior to such filing shall be subject to the receipt, review and approval by the executive director of such forms, documents and information.

An appraisal of the land and any improvements to be retained and used as a part of the development will be obtained at this time or as soon as practical thereafter from an independent real estate appraiser selected by the authority. The authority may also obtain such other reports, analyses, information and data as the executive director deems necessary or appropriate to evaluate the proposed development.

If at any time the executive director determines that the applicant is not processing the application with due diligence and best efforts or that the application cannot be successfully processed to commitment and initial closing within a reasonable time, he may, in his discretion, terminate the application and retain any fees previously paid to the authority.

The authority staff shall review and evaluate the documents and information received or obtained pursuant to this § 6. Such review and evaluation shall include, but not be limited to, the following:

1. An analysis of the estimates of construction costs and the proposed operating budget and an evaluation as to the economic feasibility of the proposed development;
2. A market analysis as to the present and projected demand for the proposed development in the market area, including: (i) an evaluation of existing and

# Proposed Regulations

---

future market conditions; (ii) an analysis of trends and projections of housing production, employment and population for the market area; (iii) a site evaluation (such as access and topography of the site, neighborhood environment of the site, public and private facilities serving the site and present and proposed uses of nearby land); and (iv) an analysis of competitive projects;

3. A review of the management, marketing and tenant selection plans, including their effect on the economic feasibility of the proposed development and their efficacy in carrying out the programs and policies of the authority;

4. A final review of the (i) ability, experience and financial capacity of the applicant and general contractor; and (ii) the qualifications of the architect, management agent and other members of the proposed development team.

5. An analysis of the architectural and engineering plans, drawings and specifications, including the functional use and living environment for the proposed residents, the marketability of the units; the amenities and facilities to be provided to the proposed residents; and the management, maintenance and energy conservation characteristics of the proposed development.

Based upon the authority staff's analysis of such documents and information and any other information obtained by the authority in its review of the proposed development, the executive director shall prepare a recommendation to the board that a mortgage loan commitment be issued to the applicant with respect to the proposed development only if he determines that all of the following criteria have been satisfied:

1. Based on the data and information received or obtained pursuant to this § 6, no material adverse change has occurred with respect to compliance with the criteria set forth in § 5 of these procedures, instructions and guidelines.

2. The applicant's estimates of housing development costs: (i) include all costs necessary for the development and construction of the proposed development; (ii) are reasonable in amount; (iii) are based upon valid data and information; and (iv) are comparable to costs for similar multi-family rental developments; provided, however, that if the applicant's estimates of such costs are insufficient in amount under the foregoing criteria, such criteria may nevertheless be satisfied if, in the judgment of the executive director, the mortgagor will have the financial ability to pay any costs estimated by the executive director to be in excess of the total of the applicant's estimates of housing development costs.

3. Subject to review by the authority at final closing,

the categories of the estimated housing development costs to be funded from the proceeds of the mortgage loan are eligible for such funding under the authority's cost certification guide or under such other requirements as shall be agreed to by the authority.

4. Any administrative, community, health, nursing care, medical, educational, recreational, commercial or other nonhousing facilities to be included in the proposed development are incidental or related to the proposed development and are necessary, convenient or desirable with respect to the ownership, operation or management of the proposed development.

5. All operating expenses (including replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating budget, and the estimated amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.

6. Based upon the proposed rents and projected occupancy level required or approved by the executive director, the estimated income from the proposed development is reasonable. The estimated income may include: (i) rental income from commercial space within the proposed development if the executive director determines that a strong, long-term market exists for such space; and (ii) income from other sources relating to the operation of the proposed development if determined by the executive director to be reasonable in amount and comparable to such income received on similar developments.

7. The estimated income from the proposed development, including any federal subsidy or assistance, is sufficient to pay when due the estimates of the debt service on the mortgage loan, the operating expenses, and replacement and other reserves required by the authority.

8. The units will be occupied by persons and families intended to be served by the proposed development and qualified under the Act and the authority's rules and regulations, and any applicable federal laws, rules and regulations. Such occupancy of the units will be achieved in such time and manner that the proposed development will (i) attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, debt service and replacement and other required reserves and escrows) within the usual and customary time for a development for its size, nature, location and type, and without any delay in the commencement of amortization; and (ii) will continue to be self-sufficient for the full term of the mortgage loan.

9. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon

valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with item 8 above.

10. The architectural drawings, plans and specifications shall demonstrate that: (i) the proposed development as a whole and the individual units therein shall provide safe, habitable, and pleasant living accommodations and environment for the contemplated residents; (ii) the dwelling units of the proposed housing development and the individual rooms therein shall be furnishable with the usual and customary furniture, appliances and other furnishings consistent with their intended use and occupancy; and (iii) the proposed housing development shall make use of measures promoting environmental protection, energy conservation and maintenance and operating efficiency to the extent economically feasible and consistent with the other requirements of this § 6.

11. The proposed development includes such appliances, equipment, facilities and amenities as are customarily used or enjoyed by the contemplated residents in similar developments.

12. The management plan includes such management procedures and requirements as are necessary for the proper and successful operations, maintenance and management of the proposed development in accordance with these procedures, instructions and guidelines.

13. The marketing and tenant selection plans submitted by the applicant shall comply with the authority's rules and regulations and shall provide for actions to be taken such that: (i) the dwelling units in the proposed development will be occupied in accordance with item 8 above and any applicable federal laws, rules and regulations by those eligible persons and families who are expected to be served by the proposed development; (ii) the residents will be selected without regard to race, color, religion, creed, sex or national origin; and (iii) units intended for occupancy by handicapped and disabled persons will be adequately and properly marketed to such persons and such persons will be given priority in the selection of residents for such units. The tenant selection plan shall describe the requirements and procedures (including any occupancy criteria and priorities established pursuant to § 11 of these procedures, instructions and guidelines) to be applied by the mortgagor in order to select those residents who are intended to be served by the proposed development and who are best able to fulfill their obligation and responsibilities as residents of the proposed development.

14. In the case of any development to be insured or

otherwise assisted or aided by the federal government, the proposed development will comply in all respects with any applicable federal laws, rules and regulations, and adequate federal insurance, subsidy, or assistance is available for the development and will be expected to remain available in the due course of processing with the applicable federal agency, authority or instrumentality.

15. The proposed development will comply with: (i) all applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued or to be issued by the authority to finance the proposed development; and (ii) all requirements set forth in the resolutions pursuant to which such notes or bonds are issued or to be issued.

16. The prerequisites necessary for the members of the applicant's development team to acquire, own, construct or rehabilitate, operate and manage the proposed development have been satisfied or can be satisfied prior to initial closing. These prerequisites include, but are not limited to obtaining: (i) site plan approval; (ii) proper zoning status; (iii) assurances of the availability of the requisite public utilities; (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and use of the proposed development; (v) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia; (vi) building permits; and (vii) fee simple ownership of the site, a sales contract or option giving the applicant or mortgagor the right to purchase the site for the proposed development and obtain fee simple title, or a leasehold interest of the time period required by the Act (any such ownership or leasehold interest acquired or to be acquired shall be free of any covenants, restrictions, easements, conditions, or other encumbrances which would adversely affect the authority's security or the construction or operation of the proposed development).

17. The proposed development will comply with all applicable state and local laws, ordinances, regulations, and requirements.

18. The proposed development will provide valid and sound security for the authority's mortgage loan and will contribute to the fulfillment of the public purposes of the authority as set forth in its Act.

19. Subject to a final determination by the board, the financing of the proposed development will meet the applicable requirements set forth in § 36-55.39 of the Code of Virginia.

If the executive director determines that the foregoing criteria are satisfied and that he will recommend approval

# Proposed Regulations

---

of the application and issuance of the commitment, he shall present his analysis and recommendations to the board. If the executive director determines that one or more of the foregoing criteria have not been adequately satisfied, he may nevertheless in his discretion recommend to the board that the application be approved and that a mortgage loan commitment be issued subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate. Prior to the presentation of his recommendations to the board, the executive director may require the payment by the applicant of a nonrefundable processing fee in an amount equal to 0.5% of the then estimated mortgage loan amount less any processing fees previously paid by the applicant. Such fee shall be applied at initial closing toward the payment of the authority's financing fee.

The board shall review and consider the analysis and recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the application and authorize the issuance of a commitment, subject to such terms and conditions as the board shall require in such resolution. Such resolution and the commitment issued pursuant thereto shall in all respects conform to the requirements of the authority's rules and regulations.

If the executive director determines not to recommend approval of the application and issuance of a commitment, he shall so notify the applicant. If any application is not so recommended for approval, the executive director may select for processing one or more applications in its place.

## § 7. Initial closing.

Upon issuance of the commitment, the applicant shall direct its attorney to prepare and submit the legal documentation (the "initial closing documents") required by the commitment within the time period specified. When the initial closing documents have been submitted and approved by the authority staff and all other requirements in the commitment have been satisfied, the initial closing of the mortgage loan shall be held. At this closing, the initial closing documents shall be, where required, executed and recorded, and the mortgagor will pay to the authority the balance owed on the financing fee, will make any initial equity investment required by the initial closing documents and will fund such other deposits, escrows and reserves as required by the commitment. The initial disbursement of mortgage loan proceeds will be made by the authority, if appropriate under the commitment and the initial closing documents.

The actual interest rate on the mortgage loan shall be established by the executive director at the time of the execution of the deed of trust note at initial closing and may thereafter be altered by the executive director in accordance with the authority's rules and regulations and the terms of such note.

The executive director may require such accounts,

reserves, deposits, escrows, bonds, letters of credit and other assurances as he shall deem appropriate to assure the satisfactory construction, completion, occupancy and operation of the development, including without limitation one or more of the following: working capital deposits, construction contingency funds, operating reserve accounts, payment and performance bonds or letters of credit, latent construction defect escrows, replacement reserves, and tax and insurance escrows. The foregoing shall be in such amounts and subject to such terms and conditions as the executive director shall require and as shall be set forth in the initial closing documents.

## § 8. Construction.

The construction of the development shall be performed in accordance with the initial closing documents. The authority shall have the right to inspect the development as often as deemed necessary or appropriate by the authority to determine the progress of the work and compliance with the initial closing documents and to ascertain the propriety and validity of mortgage loan disbursements requested by the mortgagor. Such inspections shall be made for the sole and exclusive benefit and protection of the authority. A disbursement of mortgage loan proceeds may only be made upon a determination by the authority that the terms and conditions of the initial closing documents with respect to any such disbursement have been satisfied; provided, however, that in the event that such terms and conditions have not been satisfied, the executive director may, in his discretion, permit such disbursement if additional security or assurance satisfactory to him is given. The amount of any disbursement shall be determined in accordance with the terms of the initial closing documents and shall be subject to such retainage or holdback as is therein prescribed.

## § 9. Completion of construction and final closing.

The initial closing documents shall specify those requirements and conditions that must be satisfied in order for the development to be deemed to have attained final completion. Upon such final completion of the development, the mortgagor, general contractor, and any other parties required to do so by the initial closing documents shall each diligently commence, complete and submit to the authority for review and approval their cost certification in accordance with the authority's cost certification guide or in accordance with such other requirements as shall have been agreed to by the authority.

Prior to or concurrently with final closing, the mortgagor, general contractor and other members of the development team shall perform all acts and submit all contracts and documents required by the initial closing documents in order to attain final completion, make the final disbursement of mortgage loan proceeds, obtain any federal insurance, subsidy or assistance and otherwise consummate the final closing.

At the final closing, the authority shall determine the following in accordance with the initial closing documents:

1. The total development costs, the fair market value of the development (if such value is to be used to determine the mortgagor's equity investment), the final mortgage loan amount, the balance of mortgage loan proceeds to be disbursed to the mortgagor, the equity investment of the mortgagor and, if applicable, the maximum amount of annual limited dividend distributions;
2. The interest rate to be applied initially upon commencement of amortization, the date for commencement and termination of the monthly amortization payments of principal and interest, the amount of such monthly amortization payments, and the amounts to be paid monthly into the escrow accounts for taxes, insurance, replacement reserves, or other similar escrow items; and
3. Any other funds due the authority, the mortgagor, general contractor, architect or other parties that the authority requires to be disbursed or paid as part of the final closing.

Unless otherwise agreed to by the authority, the mortgagor and contractor shall, within such period of time as is specified in the authority's cost certification guide, submit supplemental cost certifications, and the authority shall have the right to make such adjustments to the foregoing determinations as it shall deem appropriate as a result of its review of such supplemental cost certification.

If the mortgage loan commitment and initial closing documents so provide and subject to such terms and conditions as shall be set forth therein, the equity shall be adjusted subsequent to final closing to an amount equal to the difference, as of the date of adjustment, between the fair market value of the development and the outstanding principal balance of the mortgage loan.

## § 10. Mortgage loan increases.

Prior to initial closing, the principal amount of the mortgage loan may be increased, if such an increase is justified by an increase in the estimated costs of the proposed development, is necessary or desirable to effect the successful construction and operation of the proposed development, can be funded from available proceeds of the authority's notes or bonds, and is not inconsistent with the provisions of the Act or the authority's rules and regulations or any of the provisions of these procedures, instructions and guidelines. Any such increase shall be subject to such terms and conditions as the authority shall require.

Subsequent to initial closing, the authority will consider and, where appropriate, approve a mortgage loan increase to be financed from the proceeds of the authority's notes or bonds in the following instances:

1. Where cost increases are incurred as the direct result of (i) changes in work required or requested by the authority or (ii) betterments to the development approved by the authority which will improve the quality or value of the development or will reduce the costs of operating or maintaining the development;
2. Where cost increases are incurred as a direct result of a failure by the authority during processing of the development to properly perform an act for which the authority is solely responsible;
3. Where a mortgage loan increase is determined by the authority, in its sole and absolute discretion, to be in the best interests of the authority in protecting its security for the mortgage loan; or
4. Where the authority has entered into an agreement with the mortgagor prior to initial closing to provide a mortgage loan increase if certain cost overruns occur in agreed line items, but only to the extent set forth in such agreement.

In the event that a person or entity acceptable to the authority is prepared to provide financing on a participation basis on such terms and conditions as the authority may require, the authority will consider and, where appropriate, approve an increase in its mortgage loan subsequent to initial closing to the extent of the financing by such person or entity in any of the following instances:

1. One or more of the instances set forth in 1 through 4 above; or
2. Where costs are incurred which are:
  - a. In excess of the original total contract sum set forth in the authority's mortgage loan commitment;
  - b. The direct result of necessary and substantial changes approved by the authority in the original plans and specifications;
  - c. Evidenced by change orders in accordance with the original contract documents or by other documentation acceptable to the authority; and
  - d. Approved by the authority for inclusion within the total development cost in accordance with the Act, the authority's rules and regulations and the authority's cost certification guide.

Any such mortgage loan increase to be financed on a participation basis shall be granted only to the extent that such costs cannot be funded from mortgage loan proceeds, any income from the operation of the development approved by the authority for application thereto, and other moneys of the mortgagor available therefor. As used herein, the term "other moneys of the mortgagor" shall include moneys received or to be received as a result of

# Proposed Regulations

---

the sale or syndication of limited partnership interest in the mortgagor. In the event that any limited dividend mortgagor shall have sold or syndicated less than 90% of the partnership interests, such term shall include the amount, as determined by the authority, which would have been received upon the sale or syndication of 90% of such interest under usual and customary circumstances.

Any such increase in the mortgage loan subsequent to initial closing may be subject to such terms and conditions as the authority shall require, including (but not limited to) one or more of the following:

1. The ability of the authority to sell bonds to finance the mortgage loan increase in amounts, at rates and under terms and conditions satisfactory to the authority (applicable only to a mortgage loan to be financed from the proceeds of the authority's notes or bonds).
2. The obtaining by the owner of additional federal subsidy (if the development is to receive such subsidy) in amounts necessary to fund the additional debt service to be paid as a result of such mortgage loan increase. The provision of such additional subsidy shall be made subject to and in accordance with all applicable federal regulations.
3. A determination by the authority that the mortgage loan increase will have no material adverse effect on the financial feasibility or proper operation and maintenance of the development.
4. A determination by the authority that the mortgage loan, as increased, does not exceed such percentage of the total development cost (as certified in accordance with the authority's cost certification guide and as approved by the authority) as is established in the resolution authorizing the mortgage loan in accordance with § 3 of these procedures, instructions and guidelines.
5. Such terms and conditions as the authority shall require in order to protect the security of its interest in the mortgage loan, to comply with covenants and agreements with the holders of its bonds issued to finance the mortgage loan, to comply with the Act and the authority's rules and regulations, and to carry out its public purpose.

The executive director may, without further action by the board, increase the principal amount of the mortgage loan at any time by an amount not to exceed 2.0% of the maximum principal amount of the mortgage loan set forth in the commitment, provided that such increase is consistent with the Act and the authority's rules and regulations and the provisions of these procedures, instructions and guidelines. Any increase in excess of such 2.0% shall require the approval of the board.

Nothing contained in this § 10 shall impose any duty or

obligation on the authority to increase any mortgage loan, as the decision as to whether to grant a mortgage loan increase shall be within the sole and absolute discretion of the authority.

## § 11. Operation, management and marketing.

The development shall be subject to a regulatory agreement entered into at initial closing between the authority and the mortgagor. Such regulatory agreement shall govern the rents, operating budget, occupancy, marketing, management, maintenance, operation, use and disposition of the development and the activities and operation of the mortgagor, as well as the amount of assets or income of the development which may be distributed to the mortgagor.

~~Only~~ Except as otherwise agreed by the authority pursuant to § 14 hereof, only rents established or approved on behalf of the authority pursuant to the regulatory agreement may be charged for dwelling units in the development. Notwithstanding the foregoing, in the case of any developments financed subsequent to January 1, 1986, the authority may agree with the mortgagor that the rents may be established and changed by the mortgagor without the prior approval of the authority, subject to such restrictions in the regulatory agreement as the authority shall deem necessary to assure that the rents shall be affordable to persons and families intended to be served by the development and subject to compliance by the mortgagor with the provisions in § 2 of these procedures, instructions and guidelines.

Any costs for supportive services not generally included in the rent for similar developments shall not be funded from the rental income of the development.

If the mortgagor is a partnership, the general partner or partners shall be required to retain at least a 10% interest in the net proceeds from any sale, refinancing or other disposition of the development during the life of the mortgage loan.

The mortgagor shall lease the units in the development only to persons and families who are eligible for occupancy thereof as described in § 2 of these procedures, instructions and guidelines. The mortgagor shall comply with the provisions of the authority's rules and regulations regarding: (i) the examination and determination of the income and eligibility of applicants for initial occupancy of the development; and (ii) the periodic reexamination and redetermination of the income and eligibility of residents of the development.

In addition to the eligibility requirements of the authority, the executive director may establish occupancy criteria and priorities based on the following:

1. The age, family size, financial status, health conditions (including, without limitation, any handicaps or disabilities) and other circumstances of the

applicants for the dwelling units;

2. The status and physical condition of the housing then occupied by such applicants; and

3. Any other factors or matters which the executive director deems relevant to the effectuation of the public purposes of the authority.

In selecting eligible residents, the mortgagor shall comply with such occupancy criteria and priorities and with the tenant selection plan approved by the authority pursuant to § 6 of these procedures, instructions and guidelines.

The executive director is authorized to prepare and from time to time revise a housing management handbook which shall set forth the authority's procedures and requirements with respect to the management of developments. Copies of the housing management handbook shall be available upon request.

The management of the development shall also be subject to a management agreement entered into at initial closing between the mortgagor and its management agent, or where the mortgagor and the management agent are the same entity, between the authority and the mortgagor. Such management agreement shall govern the policies, practices and procedures relating to the management, marketing and operation of the development. The mortgagor and its management agent (if any) shall manage the development in accordance with the Act, the authority's rules and regulations, the regulatory agreement, the management agreement, the authority's housing management handbook, and the management plan approved by the authority.

The authority shall have the power to supervise the mortgagor and the development in accordance with § 36-55.34:1 of the Code of Virginia and the terms of the initial closing documents or other agreements relating to the mortgage loans. The authority shall have the right to inspect the development, conduct audits of all books and records of the development and to require such reports as the authority deems reasonable to assure compliance with this § 11.

## § 12. Transfers of ownership.

A. It is the authority's policy to evaluate requests for transfers of ownership on a case-by-case basis. The primary goal of the authority is the continued existence of low and moderate income rental housing stock maintained in a financially sound manner and in safe and sanitary condition. Any changes which would, in the opinion of the authority, detrimentally affect this goal will not be approved.

The provisions set forth in this § 12 shall apply only to transfers of ownership to be made subject to the authority's deed of trust and regulatory agreement. Such

provisions shall not be applicable to transfers of ownership of developments subject to HUD mortgage insurance, it being the policy of the authority to consent to any such transfer approved by HUD and permitted by the Act and applicable note or bond resolutions.

For the purposes hereof, the terms "transfer of ownership" and "transfer" shall include any direct or indirect transfer of a partnership or other ownership interest (including, without limitation, the withdrawal or substitution of any general partner) or any sale, conveyance or other direct or indirect transfer of the development or any interest therein; provided, however, that if the owner is not then in default under the deed of trust or regulatory agreement, such terms shall not include: (i) any sale, transfer, assignment or substitution of limited partnership interests prior to final closing of the mortgage loan or; (ii) any sale, transfer, assignment or substitution of limited partnership interests which in any 12 month period constitute in the aggregate 50% or less of the partnership interests in the owner. The term "proposed ownership entity", as used herein, shall mean: (i) in the case of a transfer of a partnership interest, the owner of the development as proposed to be restructured by such transfer; and (ii) in the case of a transfer of the development, the entity which proposes to acquire the development.

B. The proposed ownership entity requesting approval of a transfer of ownership must initially submit a written request to the authority. This request should contain (i) a detailed description of the terms of the transfer; (ii) all documentation to be executed in connection with the transfer; (iii) information regarding the legal, business and financial status and experience of the proposed ownership entity and of the principals therein, including current financial statements (which shall be audited in the case of a business entity); (iv) an analysis of the current physical and financial condition of the development, including a current audited financial report for the development; (v) information regarding the experience and ability of any proposed management agent; and (vi) any other information and documents requested by the authority relating to the transfer. The request will be reviewed and evaluated in accordance with the following criteria:

1. The proposed ownership entity and the principals therein must have the experience, ability and financial capacity necessary to own, operate and manage the development in a manner satisfactory to the authority.

2. The development's physical and financial condition must be acceptable to the authority as of the date of transfer or such later date as the authority may approve. In order to assure compliance with this criteria, the authority may require any of the following:

a. The performance of any necessary repairs and the correction of any deferred or anticipated maintenance work;



# Proposed Regulations

---

b. The addition of any improvements to the development which, in the judgment of the authority, will be necessary or desirable for the successful marketing of the development, will reduce the costs of operating or maintaining the development, will benefit the residents or otherwise improve the liveability of the development, or will improve the financial strength and stability of the development;

c. The establishment of escrows to assure the completion of any required repairs, maintenance work, or improvements;

d. The establishment of such new reserves and/or such additional funding of existing reserves as may be deemed necessary by the authority to ensure or preserve the financial strength and stability or the proper operation and maintenance of the development; and

e. The funding of debt service payments, accounts payable and reserve requirements such that the foregoing are current at the time of any transfer of ownership.

3. The management agent, if any, to be selected by the proposed ownership entity to manage the development on its behalf must have the experience and ability necessary to manage the development in a manner satisfactory to the authority. The management agent must satisfy the qualifications established by the authority for approval thereof.

If the development is subsidized or otherwise assisted by HUD, the approval by HUD may be required. Any and all documentation required by HUD must be submitted by the proposed ownership entity in conjunction with its request.

C. The authority will charge the proposed ownership entity a fee of \$5,000 or such higher fee as the executive director may for good cause require. This fee is to be paid at the closing.

D. The amount and terms of any secondary financing (i.e., any portion of the purchase price is to be paid after closing of the transfer of ownership) shall be subject to the review and approval of the authority. Secondary financing which would require a lien on the development is prohibited by the authority's bond resolution and, therefore, will not be permitted or approved. The authority will not provide a mortgage loan increase or other financing in connection with the transfer of ownership. The authority will also not approve a rent increase in order to provide funds for the repayment of any secondary financing. Cash flow (other than dividend distributions) shall not be used to repay the secondary financing. Any proposed secondary financing must not, in the determination of the authority, have any material adverse effect on the operation and management of the development, the security of the mortgage loan, the

interests of the authority as lender, or the fulfillment of the authority's public purpose under the Act. The authority may impose such conditions and restrictions (including, without limitation, requirements as to sources of payment for the secondary financing and limitations on the remedies which may be exercised upon a nonpayment of the secondary financing) with respect to the secondary financing as it may deem necessary or appropriate to prevent the occurrence of any such adverse effect.

E. In the case of a transfer from a nonprofit owner to a proposed for-profit owner, the authority may require the proposed for-profit owner to deposit and/or expend funds in such amount and manner and for such purposes and to take such other actions as the authority may require in order to assure that the principal amount of the mortgage loan does not exceed the limitations specified in the Act and the authority's rules and regulations or otherwise imposed by the authority. No transfer of ownership from a nonprofit owner to a for-profit owner shall be approved if such transfer would, in the judgment of the authority, affect the tax-exemption of the notes or bonds issued by the authority to finance the development. The authority will not approve any such transfer of ownership if any loss of property tax abatement as a result of such transfer will, in the determination of the authority, adversely affect the financial strength or security of the development.

At the closing of the transfer of the ownership, the total development cost and the equity of a proposed for-profit owner shall be determined by the authority. The resolution of the board approving the transfer of ownership shall include a determination of the maximum annual rate, if any, at which distributions may be made by the proposed for-profit owner pursuant to the authority's rules and regulations. The proposed for-profit owner shall execute and deliver such agreements and documents as the authority may require in order to incorporate the then existing policies, requirements and procedures relating to developments owned by for-profit owners. The role of the nonprofit owner in the ownership, operation and management of the development subsequent to the transfer of ownership shall be subject to the review and approval of the authority. The authority may require that any cash proceeds received by the nonprofit owner (after the payment of transaction costs and the funding of any fees, costs, expenses, reserves or escrows required or approved by the authority) be used for such charitable or other purposes as the authority may approve.

F. A request for transfer of ownership shall be reviewed by the executive director. If the executive director determines to recommend approval thereof, he shall present his analysis and recommendation to the board. The board shall review and consider the analysis and recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the request and authorize the executive director to consent thereto, subject to such terms and conditions as the board shall require in such resolution.

Notwithstanding the foregoing, if any proposed transfer of a partnership interest is determined by the executive director to be insubstantial in effect and to have no material detrimental effect on the operation and management of the development or the authority's interest therein as lender, such transfer may be approved by him without approval of the board.

After approval of the request, an approval letter will be issued to the mortgagor consenting to the transfer. Such letter shall be contingent upon the delivery and execution of any and all closing documents required by the authority with respect to the transfer of ownership and the fulfillment of any special conditions required by the resolution of the board. The partnership agreement of the proposed ownership entity shall be subject to review by the authority and shall contain such terms and conditions as the authority may require.

The authority may require that the proposed ownership entity execute the then current forms of the authority's mortgage loan documents in substitution of the existing mortgage loan documents and/or to execute such amendments to the existing mortgage loan documents as the authority may require in order to cause the provisions of such documents to incorporate the then existing policies, procedures and requirements of the authority. At the closing of the transfer, all documents required by the approval letter shall be, where required, executed and recorded; all funds required by the approval letter will be paid or deposited in accordance therewith; and all other terms and conditions of the approval letter shall be satisfied. If deemed appropriate by the executive director, the original mortgagor shall be released from all liability and obligations which may thereafter arise under the documents previously executed with respect to the development.

In the case of a development which is in default or which is experiencing or is expected by the authority to experience financial, physical or other problems adversely affecting its financial strength and stability or its proper operation, maintenance or management, the authority may waive or modify any of the requirements herein as it may deem necessary or appropriate in order to assist the development and/or to protect the authority's interest as lender.

### § 13. Prepayments.

It shall be the policy of the authority that no prepayment of a mortgage loan shall be made without its prior written consent for such period of time set forth in the note evidencing the mortgage loan as the executive director shall determine, based upon his evaluation of then existing conditions in the financial and housing markets, to be necessary to accomplish the public purpose of the authority. The authority may prohibit the prepayment of mortgage loans during such period of time as deemed necessary by the authority to assure compliance with applicable note and bond resolutions and with federal laws

and regulations governing the federal tax exemption of the notes or bonds issued to finance such mortgage loans. Requests for prepayment shall be reviewed by the executive director on a case-by-case basis. In reviewing any request for prepayment, the executive director shall consider such factors as he deems relevant, including without limitation the following: (i) the proposed use of the development subsequent to prepayment; (ii) any actual or potential termination or reduction of any federal subsidy or other assistance; (iii) the current and future need and demand for low and moderate housing in the market area of the development; (iv) the financial and physical condition of the development; (v) the financial effect of prepayment on the authority and the notes or bonds issued to finance the development; and (vi) compliance with any applicable federal laws and regulations governing the federal tax exemption of such notes or bonds. As a precondition to its approval of any prepayment, the authority shall have the right to impose restrictions, conditions and requirements with respect to the ownership, use, operation and disposition of the development, including without limitation any restrictions or conditions required in order to preserve the federal tax exemption of notes or bonds issued to finance the development. The authority shall also have the right to charge a prepayment fee in an amount determined in accordance with the terms of the resolutions authorizing the notes or bonds issued to finance the development or in such other amount as may be established by the executive director in accordance with the terms of the deed of trust note and such resolutions. The provisions of this § 13 shall not be construed to impose any duty or obligation on the authority to approve any prepayment, as the executive director shall have sole and absolute discretion to approve or disapprove any prepayment based upon his judgment as to whether such prepayment would be in the best interests of the authority and would promote the goals and purposes of its programs and policies. *The provisions of this § 13 shall be subject to modification pursuant to § 14 hereof.*

### § 14. Modification of regulatory controls.

*If the executive director determines that (i) the mortgagor of any development is not receiving a sufficient financial return from the operation thereof as a result of a reduction in the amount of federal tax benefits available to the development (generally, at least 10 years, in the case of new construction, or five years, in the case of substantial rehabilitation, after the date of initial occupancy), (ii) the reserves of such development are and, after any action taken pursuant to this section, will continue to be adequate to assure its proper operation and maintenance and (iii) the rental and other income is and, after any action taken pursuant to this section, will continue to be sufficient to pay the debt service on the mortgage loan and the operating expenses of the development (including required payments to reserve accounts), then he may agree to one or more of the following modifications to the regulatory controls of the authority:*

# Proposed Regulations

1. Rents may be thereafter established and changed by the mortgagor without the prior approval of the authority, subject to (i) such restrictions as he shall deem necessary to assure that the rents shall be affordable to persons and families to be served by the development, (ii) compliance by the mortgagor with the provisions in § 2 of these procedures, instructions and guidelines, and (iii) such limitations on rent increases to existing residents as he shall deem necessary to prevent undue financial hardship to such residents;

2. Subject to prior approval by the board, any limitation on annual dividend distributions may be increased or eliminated, as determined by him to be necessary to provide an adequate financial return to the mortgagor without adversely affecting the financial strength or proper operation and maintenance of the development; and

3. The mortgagor may be given the right to prepay the mortgage loan on the date 20 years after the date of substantial completion of the development as determined by the executive director (or such later date as shall be necessary to assure compliance with federal laws and regulations governing the tax exemption of the notes or bonds issued to finance the mortgage loan), provided that the mortgagor shall be required to pay a prepayment fee in an amount described in § 13 of these procedures, instructions and guidelines, and provided further that such right to prepay shall be granted only if the prepayment pursuant thereto would not, in the determination of the executive director, result in a reduction in the amount or term of any federal subsidy or assistance for the development.

The foregoing modifications shall be made only to the extent permissible under and consistent with applicable federal laws and regulations and any agreements governing federal subsidy, assistance or mortgage insurance.

\* \* \* \* \*

**Title of Regulation:** VR 400-02-0012. Virginia Housing Fund Procedures, Instructions and Guidelines.

**Statutory Authority:** § 36-55.30:3 of the Code of Virginia.

**Public Hearing Date:** N/A  
(See Calendar of Events section for additional information)

**Summary:**

Pursuant to a resolution of the authority's board of commissioners adopted on May 19, 1987, the fund was established to create new housing opportunities for lower income Virginians through operation of the fund as a special purpose revolving loan fund. The

proposed regulations will allow the fund to be used to assist families in need of affordable housing only if they are not then being serviced by other housing programs.

VR 400-02-0012. Virginia Housing Fund Procedures, Instructions and Guidelines.

PART I.  
PURPOSE AND APPLICABILITY.

§ 1.1. Definitions.

"Act" means the Virginia Housing Development Authority Act as set forth in Chapter 1.2 (§ 36-55.24 et seq.) of the Code of Virginia.

"Applicant" means an individual, corporation, partnership, limited partnership, joint venture, trust, firm, association, public body or other legal entity or any combination thereof, making an application or proposal under these procedures, instructions and guidelines.

"Application" or "proposal" means a written request to the authority by a prospective borrower for a loan or a written request to the authority by an applicant requesting the establishment of a loan program or other assistance under the procedures, instructions and guidelines.

"Authority" means the Virginia Housing Development Authority.

"Board of commissioners" means the board of commissioners of the authority.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on his behalf or on behalf of the authority pursuant to a resolution of the board of commissioners of the authority.

"Fund" means the housing fund created by the authority from moneys in its general fund for the purposes set forth herein.

"Loan" means any extension of credit which is made or financed or is to be made or financed pursuant to these procedures, instructions and guidelines.

"Loan program" means any program requested to be developed or implemented by the authority for the purpose of providing loans pursuant to these procedures, instructions and guidelines.

"U.S. government or agency security" means direct general obligations of the United States of America; obligations the payments of the principal of and interest on which, in the opinion of the Attorney General of the United States in office at the time such obligations were issued, are unconditionally guaranteed by the United States of America; or bonds, debentures, participation certificates

or notes issued by any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

## § 1.2. Applicability and purpose.

The procedures, instructions and guidelines that follow will be applicable to loans or programs for loans which are made or financed or are proposed to be made or financed by the authority to borrowers who have presented proposals or applications for loans or loan programs from the fund.

The purpose of the fund is to create new housing opportunities for lower income Virginians through its operation as a special purpose revolving loan fund. The highest priority is placed upon serving the elderly, disabled, and homeless as well as families in need of affordable housing *not otherwise being serviced by other housing programs*. The fund will also seek to provide support for comprehensive programs of neighborhood revitalization.

There will be special emphasis placed upon using the fund to attract and leverage other housing aid of all kinds including, but not limited to, financial, in kind, tax incentives and subsidies. The fund shall be used to encourage partnerships with both public and private interests including state agencies, localities and nonprofit organizations. The goal is to maximize the participation in, and resources devoted to, solving housing problems of lower income Virginians.

There will be an emphasis on creative uses of the fund which will result in the most effective use of its resources and advancement of the state of the art in providing decent housing at an affordable cost to lower income Virginians.

Notwithstanding anything to the contrary herein, the executive director is authorized to waive or modify any provision herein, where deemed appropriate by him, for good cause, to the extent not inconsistent with the Act and the authority's rules and regulations.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the borrower, any contractors or any other parties under any agreements or documents relating to the loan.

These procedures, instructions and guidelines are intended to provide a general description of the authority's

processing requirements for loans or loan programs under the fund and are not intended to include all actions involved or required in the processing and administration of such loans or loan programs. Because the fund is an experimental venture, in order to refine and improve its implementation, it is the intention of the authority to be flexible in its interpretation of the principles set forth herein for loans or loan programs of special merit. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by additional policies, procedures, instructions and guidelines adopted by the authority from time to time. The authority reserves the right to change the size of the fund or its uses as circumstances may reasonably dictate.

## PART II. PRINCIPLES GOVERNING THE FUND.

### § 2.1. General principles.

A. The fund is a revolving loan fund. It is the authority's intent that repaid principal plus interest, less any loss of interest or principal in the event of default sustained by the fund, will be recycled and loaned to additional projects up to the full amount of the fund as approved by the board of commissioners.

B. Project and program proposals will be given preference in the selection process to the extent they address the following:

1. Needs of the user group, which shall be primary;
2. Partnerships which maximize leveraging of fund loans;
3. Extent to which the project is either innovative or demonstrates a possible "breakthrough" idea for serving lower income households or both;
4. Potential for the project to be replicable (i.e., demonstration);
5. Financial soundness and experience of the sponsor.

C. Proposals should seek to maximize the number of persons or projects which are served. Projects which highly leverage fund moneys by attracting external subsidies and capital are encouraged.

D. The authority will seek an equitable geographic distribution of loans made from the fund.

E. All loans to be made from the fund shall comply with all applicable laws and regulations to which the authority is subject and with any procedures, instructions and guidelines applicable or to be applicable thereto and such other underwriting criteria as the executive director deems necessary to protect the interests of the authority as lender.

# Proposed Regulations

---

## PART III. TERMS OF LOANS AND INTEREST RATES.

### § 3.1. Terms of loans.

Ten years shall be the maximum loan term, although longer amortization schedules may be utilized.

### § 3.2. Interest rates.

The interest rate on loans shall generally not be lower than the rate on a U.S. government or agency security for an equivalent term. Such policy should provide interest rates significantly lower to borrowers from the fund than those which would be available from other sources and, at the same time, will provide continuing support for the authority's currently outstanding and future bond issues. The authority realizes that loans will have significantly higher risks than alternative investments and will have little or no liquidity. If deemed necessary, all or a portion of the interest payments on loans may be deferred by the authority.

## PART IV. PROPOSALS AND LOAN APPLICATIONS.

### § 4.1. Solicitation of applications and proposals.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit proposals or applications for the fund. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission and selection of applications and proposals as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available moneys in the fund are to be allocated and such other matters as he shall deem appropriate relating to the selection of applications and proposals or the establishment of programs. The authority may also consider and approve applications and proposals submitted from time to time to the authority without any solicitation therefor on the part of the authority.

### § 4.2. Authority programs under the fund.

Programs may be designed and operated by the authority if they are innovative, cannot currently be conventionally funded, or may serve as models for future state or bond funding.

### § 4.3. Application and selection for processing.

Application for a loan or loan program shall be commenced by filing with the authority an application or

proposal on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority.

Based on the applications, proposals, documents and any additional information submitted by applicants or obtained from other sources by the authority, a subcommittee of the board of commissioners shall select for processing those applications and proposals which it determines may best satisfy the purposes and principles of the fund set forth in §§ 1.2 and 2.1 hereof.

Nothing contained herein shall require the authority to select any application or proposal which, in the judgment of the subcommittee of the board of commissioners, does not adequately satisfy the purposes and principles of the fund set forth in §§ 1.2 and 2.1 hereof.

The selection by the subcommittee of the board of commissioners shall be based only on the documents and information received or obtained by it at that time and shall be subject to modification or reversal upon receipt and further analysis of additional documents or information at a later time.

After selection of an application or proposal for a loan has been made by the subcommittee of the board of commissioners, such application will then be processed by the authority in accordance with the authority's applicable procedures, instructions and guidelines or, if no such procedures, instructions and guidelines are applicable, in accordance with such written agreement or agreements with the applicant as the executive director may require to effect the purposes and principles hereof and to protect the authority's interest as lender.

After selection of an application or proposal for a loan program has been made by the subcommittee of the board of commissioners, the authority may implement such program by (i) applying any then existing procedures, instructions and guidelines of the authority, (ii) promulgating new procedures, instructions and guidelines therefor, or (iii) entering into such written agreement or agreements with the applicant or proposed borrowers or both as the executive director may require consistent with the purposes and principles hereof and the authority's interest as lender.

These procedures, instructions and guidelines shall be effective as of ~~August 18, 1987~~ *February 16, 1988*.

## VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Title of Regulation: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling.**

Statutory Authority: § 54-929(a) of the Code of Virginia.

Public Hearing Date: N/A

# Proposed Regulations

(See Calendar of Events section for additional information)

## Summary:

These proposed regulations establish the requirements governing the practice of professional counseling in the Commonwealth of Virginia. These regulations include the educational and experiential requirements necessary for licensure; provide criteria for the written and oral examinations; set the standards of practice; and establish procedures for disciplining licensed professional counselors. The proposed regulations are the result of the comprehensive review of the existing regulations completed in 1984 pursuant to Executive Order 54(84) of Governor Charles S. Robb. This review resulted in a repeal of the board's existing regulations. In April 1987, the Board of Professional Counselors submitted to the Governor's office a set of proposed regulations designed to replace the board's existing regulations. The board chose to withdraw the proposed regulations in October 1987 following its decision to make a change in the educational requirements for licensure it had originally proposed. The change returned an educational requirement found in the existing regulations, which had been deleted in the board's original set of proposed regulations.

Changes in the existing regulations are outlined in the Index to Existing and Proposed Regulations, which is incorporated by reference for the purpose of this summary. All relevant documents are available for inspection at the office of the Board of Professional Counselors, 1601 Rolling Hills Drive, Richmond, Virginia 23229-5005, telephone (804) 662-9912.

VR 560-01-02. Regulations Governing the Practice of Professional Counseling.

## PART I GENERAL PROVISIONS.

### § 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a professional counselor.

"Appraisal activities" has the same meaning as defined in § 54-932.d.2 of the Code of Virginia, "selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements and interests, and shall not include the use of projective techniques in the assessment of personality."

"Board" means the Virginia Board of Professional Counselors.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Counseling" means assisting an individual, through the counseling relationship, to develop an understanding of personal problems, to define goals, and to plan action reflecting his interests, abilities, aptitudes and needs as they relate to educational progress, occupation and careers, and personal or social concerns.

"Group supervision" means the process of clinical supervision of no more than six persons in a group setting provided by a qualified supervisor.

"Internship" means supervised, planned, practical, advanced experience obtained in the clinical setting observing and applying the principles, methods and techniques learned in training or educational settings. The internship involves a longer period of time than the practicum.

"Practicum" means supervised, planned, practical experience occurring in a clinical setting, for an early introduction to subject matter. It is generally time-bound and for a shorter period of time than an internship, but it allows for demonstration and testing of information, knowledge, and skills acquired.

"Professional counselor" means a person trained in counseling and guidance services with an emphasis on individual and group guidance and counseling designed to assist individuals in achieving more effective personal, social, educational and career development and adjustment.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the United States Secretary of Education responsible for accrediting senior postsecondary institutions.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented face-to-face consultation, guidance and instruction with respect to the clinical skills and competencies of the person supervised.

"Supervisor" means an individual who assumes full responsibility for the activities of a trainee and determines the amount of supervision required.

§ 1.2. Fees required by the board.

# Proposed Regulations

---

A. The board has established the following fees applicable to licensure as a professional counselor:

Registration of supervision .....	\$ 75.
Application processing .....	100.
Examination .....	150.
Reexamination	
Written .....	75.
Oral .....	75.
Provisional license .....	30.
Renewal of provisional license .....	30.
License renewal .....	75.
Duplicate license .....	15.
Endorsement to another jurisdiction .....	10.
Late renewal .....	10.
Replacement of or additional wall certificate .....	15.
Name change .....	10.
Returned check .....	15.

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board.

## § 1.3. Substance abuse counseling.

VR 560-02-01 Regulations Governing the Certification of Substance Abuse Counselors are incorporated by reference in these regulations.

## PART II REQUIREMENTS FOR LICENSURE.

### § 2.1. Requirements, general.

No person shall practice as a professional counselor in the Commonwealth of Virginia except as provided in these regulations and when licensed by this board.

A. Licensure by the board shall be by examination.

B. Every applicant for licensure examination by the board shall:

1. Meet the education and experience requirements prescribed in § 2.2 of these regulations;

2. Have the institution(s) where the applicant completed the required graduate work send directly to the executive director of the board, at least 60 days prior to the date of the written examination, official transcripts documenting the applicant's completion of the education requirements prescribed in § 2.2 A; and

3. Submit to the executive director of the board, not less than 60 days prior to the date of the written examination:

a. A completed application, on forms provided by the board;

b. Documented evidence of having fulfilled the experience requirements of § 2.2 B;

c. Endorsement letters from five responsible persons attesting to the applicant's character and professional integrity; and

d. The licensure application fee prescribed in § 1.4 of these regulations.

### § 2.2. Education and experience requirements for licensure examinations.

Every applicant for examination for licensure shall meet the requirements of subsections A and B of this section.

#### A. Education.

The applicant shall have completed 60 semester hours or 90 quarter hours of graduate study that are primarily counseling in nature, including a graduate degree in counseling or a related discipline, from a college or university accredited by a regional accrediting agency.

1. The graduate course work shall have included study in the nine core areas of:

a. Professional identity, function and ethics;

b. Theories of counseling and psychotherapy;

c. Counseling and psychotherapy techniques;

d. Group dynamics, theories, and techniques;

e. Theories of human behavior, learning, and personality;

f. Career development;

g. Evaluation and appraisal procedures;

h. Abnormal behavior; and

i. Supervised practicum or internship.

2. One course may satisfy study in more than one of

the nine study areas required in paragraph 1 of this subsection.

## B. Supervised experience.

### 1. The applicant.

The applicant for licensure shall have completed 4,000 hours of post-graduate degree experience in counseling practice under supervision satisfactory to the board.

a. The experience shall include 200 hours of individual supervision during the 4,000 hours, with a minimum of one hour per week of face-to-face consultation between supervisor and applicant.

b. Group supervision will be acceptable for not more than 100 hours of the required 200 hours of individual supervision on the basis of two hours of group supervision being equivalent to one hour of individual supervision.

c. A post-graduate degree practicum or internship may count for up to 2,000 hours of the required 4,000 hours of experience.

### 2. The supervisor.

A person who provides supervision for a prospective applicant for licensure as a professional counselor shall be licensed as a professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist.

a. Supervision by relatives of a prospective applicant will not be approved.

b. The supervisor of a prospective applicant shall assume full responsibility for the clinical activities of that prospective applicant specified within the supervisory contract for the duration of the supervised experience.

### 3. Registration of supervision.

a. Applicants who render counseling services in a nonexempt agency shall:

(1) With their supervisor, register with the board their supervisory contract on the appropriate forms for board approval before starting to practice under supervision;

(2) Have submitted directly to the board an official transcript of their relevant coursework in counseling; and

(3) Pay the registration fee prescribed by the board in § 1.2 of these regulations.

b. Applicants who render counseling services in an

exempt agency, as defined in § 54-944 of the Code of Virginia, may register their supervision with the board, as outlined above. Board approval and successful completion of a planned supervision arrangement in an exempt setting will assure its acceptability at the time of application.

### 4. Documentation of supervision.

Applicants shall document successful completion of their supervised experience on appropriate forms at the time of application.

## § 2.3. Requirements for provisional license.

Every applicant for a provisional license shall:

1. Hold a doctorate in counseling or in a counseling-related field from a college or university accredited by a regional accrediting agency;

2. Have the institution that awarded the doctorate send directly to the executive director of the board official documentation of the award of the degree required in § 2.3.1; and

3. Have completed either:

a. The graduate course work in nine specified core areas prescribed in § 2.2 A; or

b. The supervised experience prescribed in § 2.2 B; and

4. Provide documentation of the fulfillment of § 2.3.3.a or § 2.3.3.b immediately preceding, whichever is applicable, as follows:

a. If alternative § 2.3.3.a (core area studies) is applicable, have the institution(s) where the applicant completed the graduate work in the required core areas send directly to the executive director of the board the official transcripts documenting the applicant's completion of the required core area studies; or

b. If alternative § 2.3.3.b (supervised experience) is applicable, include documentation of the completion of the required supervised experience as part of the applicant's own application package as prescribed in § 2.3.5; and

5. Submit to the executive director of the board:

a. A completed application, on forms provided by the board;

b. Documentation of having fulfilled the supervised experience requirements of § 2.2 B, if applicable;

c. Endorsement letters from three responsible



# Proposed Regulations

---

persons attesting to the applicant's character and professional integrity; and

d. The provisional license fee prescribed in § 1.2 of these regulations; and

6. Submit for board approval the board's form for registering a supervisory contract with a licensed professional counselor, psychologist, school psychologist, clinical psychologist, clinical social worker, or psychiatrist, under whose supervision the provisional licensee will practice for the duration of the provisional license.

## PART III. EXAMINATIONS.

### § 3.1. General examination requirements.

A. Every applicant for initial licensure by the board as a professional counselor shall take a written examination and an oral examination as prescribed by the board.

B. The board may waive examination requirements if the applicant for licensure has been certified or licensed in another jurisdiction by standards and procedures equivalent to the board's.

#### C. Examination schedules.

A written and an oral examination will be given at least twice each year. The board may schedule such additional examinations as it deems necessary.

1. The executive director of the board shall notify all candidates in writing of the time and place of the examinations for which they have been approved to sit.

2. The candidate shall submit the applicable fees and a case study as prescribed in § 3.3 C.

3. If the candidate fails to appear for the examination without providing written notice at least one week before the examinations, the examination fee shall be forfeited.

4. The executive director will notify all candidates in writing of their success or failure on any examinations.

#### D. Deferrals by candidate; time limit.

A candidate approved by the board to sit for an examination shall take that examination within two years from the date of such initial board approval. If the candidate has not taken the examination by the end of the two year period here prescribed:

1. The initial board approval to sit for such examination shall then become invalid; and

2. In order to be considered for such examination later, the applicant shall file a complete new application with the board.

### § 3.2. Written examination.

A. The written examination will be a competency-based validated examination and will cover the core areas of counseling.

B. The board will establish passing scores on the written examination.

### § 3.3. Oral examination.

A. Successful completion of the written examination requirement shall be a prerequisite to taking the oral examination.

B. Candidates who pass the written examination will be notified by the board of the time and place of the oral examination and will be instructed to submit a case study.

C. The case study shall be a report of a case performed in the candidate's counseling practice during the last six months and shall be prepared as follows:

1. The report shall be not less than six or more than eight double-spaced typewritten pages in length. The names of persons in the study shall be disguised to protect clients' identities. The name and address of the candidate shall appear on a cover page.

2. The report shall be a brief summary of biographical data, personal social history, and any relevant medical history of a client, presenting the problem, diagnosis, treatment plan and prognosis. The report should focus on the candidate's role in facilitating movement, including theoretical position, dialogue and tools and techniques used in the treatment plan.

D. The oral examination shall consist of an interview between the board or its designees and the candidate for the purpose of:

1. Reviewing the candidate's education, training and experience;

2. Evaluating the candidate's professional, emotional, and social maturity; the extent and nature of professional identity; and application of Standards of Practice as defined in § 6.1 of these regulations;

3. Assessing the candidate's case study; and

4. Evaluating the candidate's knowledge of and competency to engage in the practice of counseling.

E. Following the oral examination, the examination committee will make a recommendation to the board. A

majority decision of the board will determine whether the candidate has passed the oral examination.

## § 3.4. Reexamination.

A. Reexamination will be required only on the examination failed.

B. After paying the reexamination fee, a candidate may be reexamined within an 18-month period without filing a new application and without presenting evidence of additional education and experience.

C. To be reexamined, a candidate shall notify the board and pay the appropriate fee no less than 60 days before a scheduled examination.

D. A candidate who fails any examination two times shall reapply and submit documentation of additional education and experience as required by the board.

## PART IV. LICENSURE RENEWAL; REINSTATEMENT; NAME CHANGE.

### § 4.1. Annual renewal of licensure.

All licensees shall renew licenses on or before June 30 of each year.

A. Every license holder who intends to continue to practice shall submit to the executive director on or before June 30 of each year:

1. A completed application for renewal of the license; and
2. The renewal fee prescribed in § 1.2.

B. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

### § 4.2. Late renewal; reinstatement.

A. A person whose license has expired may renew it within four years after its expiration date by paying the penalty fee prescribed in § 1.2 as well as the license fee prescribed for each year the license was not renewed.

B. A person who fails to renew a license for four years or more and wishes to resume practice shall:

1. Pay the oral examination fee prescribed in § 1.2;
2. Take an oral examination; and
3. Upon approval for reinstatement, pay the penalty fee prescribed in § 1.2 and the license fee prescribed for each year the license was not renewed.

### § 4.3. Duration of provisional license and renewal.

A. A provisional license shall expire six months from the date it is issued.

B. A provisional licensee may request in writing a maximum of two renewals of a provisional license. The renewal fee prescribed in § 1.2 shall be paid if the request for renewal is granted.

### § 4.4. Legal name change.

A. An individual practicing under a license issued by the board shall ensure that the current license bears the current legal name of that individual.

B. A licensee whose name is changed by marriage or court order shall promptly:

1. Notify the board of such change and provide a copy of the legal paper documenting the change.
2. Pay the "name change" fee prescribed in § 1.2.
3. Request and obtain from the board a new license bearing the individual's new legal name.

## PART V. ADVISORY COMMITTEES.

### § 5.1. Advisory committees.

A. The board may establish examining and advisory committees to assist it in evaluating candidates for licensure.

B. The board may establish an advisory committee to evaluate the mental and emotional competence of any licensee or candidate for licensure when such competence is in issue before the board.

## PART VI. STANDARDS OF PRACTICE. UNPROFESSIONAL CONDUCT; DISCIPLINARY ACTIONS; REINSTATEMENT.

### § 6.1. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board.

B. Persons licensed by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare.
2. Be able to justify all service rendered to clients as

# Proposed Regulations

---

necessary for diagnostic or therapeutic purposes.

3. Practice only within the competency areas for which they are qualified by training or experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of professional counselors.

5. Use only those educational credentials in association with their licensure and practice as a professional counselor that have been earned at a college or university accredited by a regional accrediting agency and that are counseling in nature. Those credentials include the title "Doctor" as well as academic designations following one's name such as M. Ed. and Ph.D.

6. Use only indicators of current counseling-related credentials awarded by independent credentialing agencies (such as American Association of Marriage and Family Therapists, Certified Rehabilitation Counselors, Certified Clinical Mental Health Counselors) in association with their licensure and practice as professional counselors.

7. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

8. Ensure that clients are aware of fees and billing arrangements before rendering services.

9. Keep confidential their counseling relationships with clients, with the following exceptions: (i) when the client is in danger to self or others; and (ii) when the professional counselor is under court order to disclose information.

10. Disclose counseling records to others only with the expressed consent of the client.

11. Ensure that the welfare of clients is in no way compromised in any experimentation or research involving those clients.

12. Not engage in dual relationships with clients that might compromise the client's well-being or impair the counselor's objectivity and professional judgment (to include such activities as counseling close friends or relatives, engaging in sexual intimacies with a client).

13. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

§ 6.2. Grounds for revocation, suspension, or denial of renewal of license.

A. In accordance with § 54-929(g) of the Code of Virginia, the board may, after a hearing, revoke, suspend

or decline to renew a board license for just cause.

B. Action by the board to revoke, suspend or decline to renew a license shall be taken in accord with the following:

1. Conviction of a felony or misdemeanor involving moral turpitude.

2. Procuring of license by fraud or misrepresentation.

3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or condition.

4. Negligence in professional conduct or nonconformance with the Standards of Practice (§ 6.1 B of these regulations).

5. Performance of functions outside the demonstrable areas of competency.

7. Violation of or aid to another in violating any provision of Chapter 28 of Title 54 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of these regulations.

C. Petition for rehearing.

A petition may be made to the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached in subsection B of this section.

§ 6.3. Reinstatement following disciplinary action.

A. Any person whose license has been revoked or denied renewal by the board under the provisions of § 6.2 may, two years subsequent to such board action, submit a new application to the board for licensure.

B. The board in its discretion may, after a hearing, grant the reinstatement sought in subsection A of this section.

C. The applicant for such reinstatement, if approved, shall be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.

Statutory Authority: §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

# Proposed Regulations

Public Hearing Date: N/A  
(See Calendar of Events section  
for additional information)

Summary:

*The following proposed changes represent a selective revision rather than a comprehensive one. Seventeen different areas of regulation are affected. The minimum standards are relaxed in the following areas: the time frame for medicals for respite care, the length of notice of a resident's intent to withdraw, use of full bedside rails, the needs of residents with independent living status, documentation of the resident's rights, and lighting.*

*The revisions provide clarification for the following: the definitions of "maintenance and care" and "transfer," record keeping requirements, and toilet requirements. Changes in the following areas would require additions to current practices: applicability, training for administrators, use of residents' funds, residents' refusal of medical treatment, resident activities, liability insurance, and fire drills. The definition "nursing and convalescent care" and the standard granting exception for required handrails and grab bars has been deleted.*

VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.

## PART I. INTRODUCTION.

### Article 1. Definitions.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

*"Active assisted range of motion"* means that, by instruction, example, and actual support of the limb when necessary, the resident is helped to move each joint through the full range of motion available. No force is used at any time; the resident is simply assisted in holding up the weight of the limb. Its purpose is to prevent contractures and limitations of movement.

*"Active range of motion"* means that, by instruction and example, the resident moves each joint through the full range of movement possible without assistance. Its purpose is to prevent contractures and limitations of movement.

*"Administrator"* means the licensee or a person designated by the licensee who oversees the day-to-day operation of the facility, including compliance with all Standards and Regulations for Licensed Homes for Adults.

*"Administer medication"* means to open a container of medicine or to remove the prescribed dosage and to give

it to the resident for whom it is prescribed.

Section 54-524.65 of the Code of Virginia states that only people authorized by state law may administer drugs. People authorized to administer medicine include licensed physicians, registered nurses, licensed practical nurses, pharmacists, physicians' assistants, and other individuals who meet the requirements of the law. In addition to these persons designated in law, a physician may choose to designate, in writing, a person who does not meet the requirements of the law to be his or her authorized agent. This permits the person to administer medicine legally to that physician's designated patients, in accordance with such a physician's instructions.

\* *"Ambulatory"* means the condition of a person who is either independently mobile or semi-mobile as defined below.

*"Assisted exit"* means that in order to exit a building within three minutes in an emergency the resident must receive repeated verbal prompts or commands or be physically touched, or moved by another person or object.

*"Bedfast"* means the condition of a person, as certified by a physician, who is confined or restricted to bed for a prolonged or indefinite period of time. Persons for whom a physician has prescribed bedrest because of a short term illness (e.g. cold, flu, virus, etc.) are not considered to be bedfast. No person who is bedfast shall be admitted for care. Residents who become bedfast may remain in care providing the provisions of §§ 3.8 and 5.14 of these standards and regulations are met.

*"Day-care center for adults"* means a facility, which is either operated for profit or which desires licensure, for four or more aged, infirm or disabled adults, which is operated during a part of the day only, which provides supplementary care and protection of individuals who reside elsewhere except (i) a facility or portion of a facility licensed by the State Board of Health or the State Department of Mental Health, and Mental Retardation, and Substance Abuse Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage (§ 63.1-172C of the Code of Virginia). Day-care centers for adults are subject to licensure by a different set of standards.

*"Department"* means the Virginia Department of Social Services.

*"Department's representative"* means an employee of the Virginia Department of Social Services, acting as the authorized agent in carrying out the duties specified in the Virginia Code.

*"Director"* means the Director of the Virginia Department of Social Services, also known as the Commissioner of Social Services.

*"Discharge"* means a planned, facility-initiated

# Proposed Regulations

---

termination of services for a resident which results in a change of address for the resident.

*"Distribute"* means to give a container of medicine to a resident for whom it is prescribed so that he may take his own medicine from the container.

*"Emergency"* means a situation where the resident's behavior is unmanageable to the degree an immediate danger is presented to the safety of the resident or others or a situation or condition which presents a clear and present danger to resident health and safety.

*"Essential activities of daily living"* means eating, walking, ascent and descent of stairs, dressing, all aspects of personal hygiene and grooming, administering medication which would normally be self-administered, getting in and out of bed, management of personal affairs, control of visitors, use of telephone, arranging for transportation, reading, writing, etc.

*"Health care providers"* means physicians, dentists, pharmacists, home health care agencies, hospitals, nursing homes, clinics, ambulance services, health care supplies, etc.

*"Homes for adults"* means any place, establishment, or institution, public or private, including any day-care center for adults, operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled, except (i) a facility or portion of a facility licensed by the State Board of Health or the State Department of Mental Health, and Mental Retardation, and Substance Abuse Services, but including any portion of such facility not so licensed, and (ii) the home or residence of any individual who cares for or maintains only persons related to him by blood or marriage. Included in this definition are any 2 or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of 4 or more aged, infirm or disabled adults. (§ 63.1-172A of the Code of Virginia)

*"Human subject research"* means "any medical or psychological research which utilizes human subjects who may be exposed to the possibility of physical or psychological injury as a consequence of participation as subjects and which departs from the application of those established and accepted methods appropriate to meet the subject's or subjects' needs but does not include (i) the conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from a human subject in the course of standard medical practice, (ii) epidemiological investigations, or (iii) medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated or to improve the quality of the subject's life." (§ 37.1-234 of the Code of Virginia)

*"Independent living environment"* means one in which

the resident or residents perform all essential activities of daily living for themselves without requiring the assistance of any staff member in the home for adults.

*"Independent living status"* means that the resident is assessed as capable of performing all essential activities of daily - living for himself without requiring the assistance of any staff member in the home for adults. (If the policy of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity this shall not be considered in determining independent status.)

\* *"Independently mobile"* means the condition of a person who is mentally and physically capable of making an unassisted exit from the home in an emergency. The ability to ascend and descend stairs (if present in any necessary exit path) is an essential part of this condition. The determination of whether a person is independently mobile shall be based on information contained in the medical report. (See § 5.7.2.b(5))

*"Household members"* means any person domiciled in a home for adults other than residents or staff.

*"Legal guardian"* means an individual who has legal control and management of the person, or the property, or of both the person and the property of the resident. A legal guardian is appointed by a court. A legal guardian of the person is appointed to see that the resident has proper care and supervision in keeping with his needs. A legal guardian of the property is appointed to manage the financial affairs in the best interest of the resident.

*"Licensee"* means any person, association, partnership or corporation to whom the license is issued.

*"Maintenance and care"* means protection, general supervision and oversight of the physical and mental well-being of the aged, infirm or disabled individual (§ 63.1-172B of the Code of Virginia). This includes assistance with the activities of daily living which the recipient has difficulty performing.

*"Mechanical restraint"* means any device other than the body used to restrict the free movement of a resident (e.g., supportive vests) and applied in such a way that the resident cannot release himself.

\* *"Nonambulatory"* means the condition of a person who, because of physical or mental impairment, requires an assisted exit from the building in an emergency. The determination of whether a person is nonambulatory shall be based on information contained in the medical report. (See § 5.7.2.b.5) or shall be determined by the demonstrated inability of a semi-mobile person to exit the building in three minutes where applicable (See §§ 3.9.C ad 5.7.2.b.(6)). Persons who are nonambulatory may be accepted for care and residents who become nonambulatory may remain in care providing the provisions of § 3.9 of these standards and regulations are

met.

*"Nursing and convalescent care"* means care given because of prolonged illness or defect, or during recovery from injury or disease, which includes any and all of the nursing procedures commonly employed in waiting on the sick such as administration of medicines; preparation of special diets; giving of bedside care; application of dressings and bandages; and the carrying out of treatments prescribed by a duly licensed practitioner of medicine. *intermediate or skilled nursing care routinely provided in a facility subject to licensure by the Virginia Department of Health.*

*"Payee"* means an individual other than the legal guardian who has been designated to receive and administer funds belonging to a resident in a home for adults. A payee is not a legal guardian unless so appointed by the court.

*"Permanent transfer"* means to be discharged from one caregiving facility to be admitted to another caregiving facility. (A permanent transfer does not include instances when a resident is temporarily hospitalized and the facility is holding the resident's room until his return.)

*"Physical restraint"* means holding a resident's body with one's own body in such a way that the resident is unable to move freely.

*"Post-hospitalized person"* means any aged, infirm or disabled adult who is being discharged from a state program for the mentally ill or mentally retarded and for whom direct placement is sought in a home for adults by the state facility, local welfare/social services department, local community mental health and mental retardation services board, family, legal guardian, or any other responsible party.

*"Relocation"* means a planned, facility or resident-initiated housing reassignment of a resident, either temporary or permanent, within the licensed home for adults.

*"Resident"* means any aged, infirm, or disabled adult residing in a home for adults for the purpose of receiving maintenance and care.

*"Respite care"* means services provided for maintenance and care of aged, infirm or disabled adults for temporary periods of time, regulatory or intermittently. Homes offering this type of care are subject to these standards and regulations.

*"Responsible person/party"* means the legal guardian, payee, family member or any other individual who has arranged for the care of the resident and assumed this responsibility. The responsible person/party may or may not be related to the resident. A responsible person/party is not a legal guardian unless so appointed by the court.

\* *"Semi-mobile"* means the condition of a person who is:

1. Mentally and physically capable in an emergency of always exiting within three minutes from any area of the home available to semi-mobile residents with the help of a wheelchair, walker, cane, prosthetic device, or with the aid of a single verbal command;

and

2. Able to ascend and descend stairs (if present in any necessary exit path from areas available to semi-mobile residents.)

The determination of whether a person is semi-mobile shall be based upon information contained in the medical report and upon timed observation of the resident's ability to exit a building within three minutes where applicable. (See §§ 3.9.C and 5.7.2.b.(6))

*"Sponsor"* means an individual, association, partnership or corporation having responsibility for planning and operating a facility subject to licensure. The licensee is the sponsor of a home for adults. The sponsor may not, in all cases, be the owner of the physical plant (buildings) and/or real estate in or on which the home for adults is located. In these instances the term "sponsor" as defined here and used in these standards and regulations is considered to be the person, partnership, association or corporation who owns the enterprise less the physical plant and/or real estate.

*"Transfer"* means to be released from one caregiving facility to be admitted to another caregiving facility.

*"Withdrawal"* means a planned resident or resident representative-initiated termination of services which results in a change of address for the resident.

\*As used in these standards and regulations these are not medical definitions. They are related to the placement of aged, infirm, or disabled adults in appropriate buildings with regard to fire safety and their ability to evacuate buildings in an emergency.

## Article 2. Legal Base.

§ 1.2. Chapter 9, Title 63.1, of the Code of Virginia sets forth the responsibility of the Department of Social Services for the licensure of homes for adults, including the responsibility of the State Board of Social Services for the development of regulations containing minimum standards and requirements.

It is a misdemeanor to operate a home for adults without a license or to serve more residents than the maximum number stipulated on the license. (§ 63.1-182 of the Code of Virginia)

# Proposed Regulations

---

## Article 3. Applicability.

§ 1.3. *These Standards and Regulations for Licensed Homes for Adults apply to any facility:*

1. *That is operated or maintained for the maintenance or care of four or more adults in one or more locations who are aged, infirm or disabled.*

2. *That assumes responsibility, either directly or through contracted agents, for the maintenance or care of four or more adults who are aged, infirm or disabled.*

§ 1.4. *The following types of facilities are not subject to licensure as a Home for Adults:*

1. *A facility or portion of a facility licensed by the State Board of Mental Health, Mental Retardation, and Substance Abuse Services.*

2. *The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage.*

3. *A facility or portion of a facility, licensed as a children's residential facility under § 63.1-185 et seq. of the Code of Virginia, serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped.*

## PART II. MANAGEMENT AND PERSONNEL.

### Article 1. The Licensee.

§ 2.1. The licensee shall be responsible for complying with all standards and regulations for Licensed Homes for Adults and terms of the license issued by the department.

§ 2.2. The licensee shall meet the following requirements:

1. The licensee shall give evidence of financial responsibility.

2. The licensee shall be of good character and reputation.

3. The licensee shall be able to protect the physical and mental well-being of residents.

4. The licensee shall keep such records and make such reports as required by these standards and regulations for Licensed Homes for Adults. Such records and reports may be inspected at any reasonable time in order to determine compliance with these standards and regulations.

5. The licensee shall meet the qualifications of the administrator if he assumes those duties.

§ 2.3. A home for adults sponsored by a religious organization, a corporation or a voluntary association shall be controlled by a governing board of directors that shall fulfill the duties of the licensee.

### Article 2. The Administrator.

§ 2.4. Each home shall have an administrator. This does not prohibit the administrator from serving more than one facility.

§ 2.5. Qualifications of administrator.

A. The administrator shall be at least 18 years of age.

B. He shall be able to read, to write, and to understand these standards and regulations.

C. He shall be able to perform the duties and to assume the responsibilities required by these standards and regulations.

D. Any person who assumes the duties of the administrator after January 1, 1980, shall be a high school graduate or shall have a General Education Development Certificate (G.E.D.), or shall have completed one full year of successful experience in caring for adults in a group care facility, such as a home for adults, a nursing home, a hospital or a day-care center for adults.

E. *He shall attend 20 hours of training related to management or operation of a residential facility for adults within each 12-month period. The training sessions may be inservice or offered outside the facility. Documentation of attendance shall be retained at the facility.*

F. He shall meet the requirements stipulated for all staff in § 2.10.

§ 2.6. Duties of the administrator.

It shall be the duty of the administrator:

1. To oversee the day-to-day operation of the home, which shall include, but not be limited to, responsibility for:

a. Services to residents;

b. Maintenance of buildings and grounds;

c. Record keeping;

d. Employment, training and supervision of personnel.

2. To protect the safety and physical, mental and emotional health of residents.

3. To be familiar with and to assure compliance with these standards and regulations.

4. To post the current license at all times at a place in the building that is conspicuous to the public.

§ 2.7. Either the administrator or a designated assistant who meets the qualifications of the administrator shall be awake and on duty on the premises at least 40 hours per week.

§ 2.8. In the absence of the administrator or the designated assistant, a responsible adult who is able to read and write shall be delegated the duties of the administrator, so that service to residents shall not be interrupted. This person shall be capable of protecting the physical and mental well-being of the residents. He shall not be a resident.

### Article 3. Personnel.

§ 2.9. Staffing.

A. There shall be enough staff on duty at all times to assure compliance with these standards and regulations. This number shall be determined by:

1. The number of residents;
2. The physical and mental conditions of the residents;
3. The services to be provided;
4. The size and layout of the building(s); and
5. The capabilities and training of the employees.

B. There shall be sufficient staff on the premises at all times to implement the emergency fire plan including evacuation of those residents who are nonambulatory if such evacuation is included in the plan. (See § 9.4)

C. A responsible adult, other than a resident, shall be in each building at all times that residents are present and shall be responsible for their care and supervision.

D. In homes licensed to care for 20 or more residents under one roof, there shall be at least one staff member awake and on duty under that roof during the night hours.

E. In homes licensed to care for 20 or more residents under one roof, the provisions of either 1 or 2, below shall be met.

1. Staff shall make rounds at least once each hour to monitor for emergencies. These rounds shall begin when the majority of the residents have gone to bed

each evening and shall terminate when the majority of the residents have arisen each morning.

a. A written log shall be maintained showing the date and time rounds were made and the signature of the person who made rounds.

b. Logs for the past three months shall be retained.

c. These logs shall be subject to inspection by the department.

OR

2. There shall be a signaling device or intercom or a telephone which may be activated by the resident from his room or from a connecting bathroom which shall terminate at the staff station and which shall permit staff to determine the origin of the signal. (See § 7.4)

F. If emergency ambulance service is not available within 15 minutes travel time or if there is not a physician, registered nurse, or licensed practical nurse available within 15 minutes travel time, there shall be at least one staff member on the premises at all times who has certification in first aid which has been issued within the past three years by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department, or a similarly approved program.

G. There shall be at least one staff member on the premises at all times who has certification in cardiovascular pulmonary resuscitation (CPR) issued within the current year by the Red Cross, a community college, a hospital, a volunteer rescue squad, a fire department or a similarly approved program. The CPR certificate must be renewed annually.

§ 2.10. Qualifications of all staff, including the administrator.

All staff members shall be:

1. Of good character;
2. Physically and mentally capable of carrying out assigned responsibilities;
3. Considerate and tolerant of aged and disabled persons;
4. Clean and well-groomed; and
5. Able and willing to accept supervision and training.

§ 2.11. Training and orientation.

A. All employees shall be made aware of:

1. The purpose of the facility;



# Proposed Regulations

---

2. The services provided;
3. The daily routines; and
4. Required compliance with standards and regulations for Licensed Homes for Adults as it relates to their duties and responsibilities.

B. All personnel shall be trained in the relevant laws, standards and regulations, and the home's policies and procedures sufficiently to implement the following:

1. Emergency plans for the facility; (See § 9.4)
2. Techniques of complying with fire and disaster plans including evacuating residents when applicable;
3. Use of the first-aid kit, and knowledge of its location;
4. Confidential treatment of personal information;
5. Observance of the rights and responsibilities of residents;
6. Procedures for detecting and reporting suspected abuse, neglect, or exploitation of residents to the appropriate local department of social services;

(NOTE: Section 63.1-55.3 of the Code of Virginia requires anyone providing full- or part-time care to adults for pay on a regular basis to report suspected adult abuse, neglect, or exploitation.)

7. Specific duties and requirements of their positions.

C. All personnel who have primary responsibilities for resident care shall be trained to have general knowledge in the care of aged, infirm or disabled adults with due consideration for their individual capabilities and their needs.

D. The home shall provide training opportunities at least annually for employees with primary responsibility for resident care.

1. These training opportunities shall be provided through in-service training programs or institutes, workshops, classes, or conferences related to the care of aged, infirm or disabled adults.
2. A notation of this training shall be made in the employee's record, as required by § 5.26.10 of these standards and regulations.

E. Training required for staff in homes that accept/have in care residents with special needs.

1. Aggressive residents.
  - a. The licensee/administrator of a facility which

admits residents with a medical history of aggressive behavior or of dangerously agitated states shall first provide or obtain training in methods of dealing with aggressive residents for direct care staff involved in the care of such residents.

(NOTE: Homes for adults having valid licenses on the date these standards become effective and having such residents in care shall have one year from the effective date for direct care staff to comply with this standard.)

- b. This training shall include, at a minimum, information, demonstration, and practical experience in the prevention of aggressive behavior, self-protection, and the proper application of restraints.

2. Bedfast residents/supportively restrained residents.

- a. The licensee/administrator of a facility which has bedfast residents in care or who admits or has in care residents who are supportively restrained shall first provide or obtain for direct care staff involved in the care of such residents appropriate training in caring for their health needs.

(NOTE: Licenses medical personnel, e.g., R.N.'s, L.P.N.'s, are not required to take this training as their academic background deals with this level or care.

- b. This training shall include, at a minimum, information, demonstration and experience in the prevention and recognition of decubiti, in active and active assisted range of motion to prevent joint contractures, and the proper techniques for applying and monitoring supportive restraints.

3. The training described in § 2.11.E.1 and 2 shall meet the following criteria:

- a. It shall be provided by a qualified health professional.

- b. A written description of the content of this training, a notation of the person(s)/agency/organization or institution providing the training and the name(s) of staff receiving the training shall be maintained by the facility.

(NOTE: If the training is provided by the department, only a listing of staff trained and the date of training is required.

4. Should a resident become aggressive or need supportive restraints or become bedfast while in the facility the training described in § 2.11.E.1 and/or 2 shall be obtained within 30 days.

5. Refresher training and/or the review of written

materials/techniques with all direct care staff shall be provided at least annually or more often as needed.

a. The refresher training and/or review of written materials/techniques shall encompass the techniques described in § 2.11E.1 and/or § 2.11E.2. above.

b. A record of the refresher training and/or review of written materials and a description of the content of the training shall be maintained by the facility.

§ 2.12. Any resident who performs any staff duties shall meet the personnel and health requirements for that position.

§ 2.13. Relief staff.

A. A current file of names, addresses and telephone numbers of persons available for duty in the absence of regular personnel shall be maintained;

OR

B. There shall be evidence of access to a nurse's aide register.

§ 2.14. Volunteers.

A. Any volunteers used shall:

1. Have qualifications appropriate to the services they render;
2. Be subject to laws and regulations governing confidential treatment of personal information.

B. Duties and responsibilities of all volunteers shall be clearly differentiated from those of persons regularly filling staff positions.

C. At least one staff member shall be assigned responsibility for overall selection, supervision and orientation of volunteers.

### PART III. ADMISSION AND DISCHARGE POLICIES.

#### Article 1. Admission Policies.

§ 3.1. All residents shall be 18 years of age or older.

§ 3.2. No person shall be admitted until identifying information has been obtained as set forth in these standards. (See § 5.6)

§ 3.3. No person shall be admitted unless he has had a physical examination by a licensed physician within 30 days prior to the date of acceptance for admission. *When a person is admitted for respite care or on an intermittent basis, a report of physical examination dated within six*

*months of the initial admission date is required.* The report of such examination shall be on file at the home for adults and shall contain the information required by these standards. (See § 5.7)

§ 3.4. No person who is known to have tuberculosis in a communicable form shall be admitted.

§ 3.5. No person who is in need of nursing or convalescent care shall be admitted.

§ 3.6. No person whose physician has stated in writing that he is incapable of self-administration of medicine shall be admitted or remain in care unless:

1. The physician has signed a statement authorizing an agent at the home to administer medicine; or
2. There is a licensed doctor, registered nurse, licensed practical nurse or physician's assistant available to the home to administer medicine.

§ 3.7. No person who is bedfast shall be admitted for care.

§ 3.8. No resident who becomes bedfast shall remain in the home unless all of the following requirements are met:

1. The physician signs a written statement that:

a. Nursing and convalescent care are not needed, including the basis for this decision in terms of diagnosis and prognosis;

(NOTE: A nursing or convalescent home license is required if a facility provides nursing and/or convalescent care to two or more nonrelated persons.) (§ 32-298(2) of the Code of Virginia)

b. The needs of the resident can be met in the home for adults; and

2. Complete medical records are kept, including physicians' progress reports obtained at intervals of not more than 90 days (See § 5.14). The reports shall contain the same information required in the written statement described in § 3.8.1.

3. The physician's progress report shall be based on the resident having been seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than 90 days. If the examination is performed by a physician's assistant or nurse practitioner the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

4. There shall be qualified staff on duty 24 hours a day to meet the needs of the bedfast resident.

5. The facility meets the applicable provisions of § 9.6

# Proposed Regulations

---

of these standards and regulations relating to the housing of nonambulatory residents.

§ 3.9. Admission and retention of nonambulatory and semi-mobile residents.

A. Nonambulatory persons, as defined by these standards, may be admitted to a home for adults when all of the provisions of the following sections of these standards and regulations are met:

1. Section 3.10, which addresses meeting the needs of the resident;
2. Section 5.7.2.a. and b, which address information required in the admissions physical examination;
3. Section 6.18, which addresses building requirements to accommodate nonambulatory residents; and
4. Section 9.6, which addresses housing of nonambulatory residents.

B. Residents who become nonambulatory, as defined by these standards, may remain in care if the provisions of § 3.9.A, 1, 3, and 4 above, are met, as well as the additional provisions of § 5.7.3 and § 5.11 of these standards and regulations. These additional sections address medical information which is required (See § 5.7.3) or may be required (See § 5.11) on a recurring basis.

C. Semi-mobile residents shall be admitted to or retained in the home only when the following conditions are met:

1. In buildings with a licensed capacity greater than 20, all building code requirements and standards and regulations governing housing for nonambulatory residents shall be met.
2. In buildings with a licensed capacity of twenty or fewer:
  - a. The resident is permanently assigned to a bedroom that is on the first floor and no more than 50 feet from an exit that is at ground level or ramped.
  - b. Prior to admission, and during each required fire drill, the resident exhibits the ability to exit the building within three minutes from any area available to semi-mobile residents. This includes the ability to ascend and descend stairs if any are present in an exit path from areas normally to be used by the resident. (See § 5.7.b.(5) and (6))
  - c. The record of the physical examination contains a statement that the prospective resident is potentially capable of exiting a building within three minutes without adverse medical consequence. (See § 5.7.b (5))

§ 3.10. Only those persons whose needs can be met in a home for adults may be admitted for care.

§ 3.11. At the time of admission, there shall be a written agreement signed by the resident/applicant for admission and/or the legal guardian, or personal representative and by the licensee or administrator. This agreement shall meet the requirements specified in § 5.17 of these standards and regulations.

§ 3.12. Admission of post-hospitalized persons.

The following standards shall apply when a home for adults accepts persons from a state program for the mentally ill or mentally retarded. (These standards do not apply to persons who were accepted for care in homes for adults prior to January 1, 1980.)

A. The home shall enter into a written agreement with the local community mental health and mental retardation services board, a state mental health clinic in those areas not served by such a board, or similar facility or agency within the private sector to make services available to post-hospitalized residents. This agreement shall be a one time agreement which shall cover all post-hospitalized residents who may need and/or desire such services.

(NOTE: The direct clinical services of the local community mental health and mental retardation services board and/or the state mental health clinics are to be provided at no cost to the home for adults. Residents may be charged on a sliding scale based on their ability to pay.)

B. Services to be included in the agreement shall include at least the following:

1. Diagnostic, evaluation and referral services in order to identify and meet the needs of the resident;
2. Outpatient mental health and mental retardation services, including but not limited to recommended aftercare/follow-along services;
3. Services and support to meet emergency mental health needs of a resident.

C. A copy of this agreement shall remain on file in the home and shall be available for inspection by the department.

D. Prior to accepting a post-hospitalized person, the home shall obtain a summary of the aftercare/follow-along service recommendations which pertain to the post-hospitalized person.

(NOTE: This information will be provided by the state facility from which the person is being discharged as part of the admissions physical examination required by § 5.7.1 of these standards and regulations. The state facility will complete this physical examination and will report the

results on a form provided by the department.)

E. A copy of this summary of the aftercare/follow-along service recommendations shall be filed in the resident's record, as part of the admissions physical examination report, if he is accepted for care.

F. The home shall request and obtain written progress reports on any post-hospitalized resident receiving services from the local community mental health and mental retardation services board, state mental health clinic or a treatment facility or agency in the private sector, providing release of this information is approved by the resident.

1. These progress reports shall be obtained at least every six months until it is stated in a report that aftercare/follow-along services are no longer needed.

2. This report shall contain at minimum:

a. A statement that continued aftercare/follow-along services are/are not needed;

b. Recommendation, if any, for continued after-care/follow-along services;

c. A statement that the resident's needs can continue to be met in a home for adults;

d. A statement of any recommended services to be provided by the home for adults.

3. Copies of these progress reports shall be filed in the resident's record and shall be available for inspection by the department.

G. Post-hospitalized persons shall not be accepted for care or remain in care when the home for adults is unable or unwilling to assist the resident in obtaining the services recommended in order to meet the resident's needs.

(NOTE: The resident has the option to refuse recommended aftercare/follow-along services.)

## Article 2. Discharge Policies.

§ 3.13. Under nonemergency conditions, the licensee or administrator shall notify the resident and/or his representative of the planned relocation, transfer, or discharge at least 14 calendar days prior to the actual transfer discharge date.

§ 3.14. Under emergency conditions, the licensee, administrator, or staff designee shall transfer or discharge the resident as appropriate for health and safety reasons.

A. The resident and/or his representative shall be informed as rapidly as possible, but within 24 hours of the

move, of the reasons therefor.

(See § 4.31 for requirements regarding notification of concerned parties in case of illness and injury.)

B. The written statement required by § 3.16 shall be provided within 14 calendar days of the date of emergency transfer or discharge.

§ 3.15. The licensee or administrator shall transfer or discharge a resident from the facility when:

1. The needs of the resident cannot continue to be met for any one or more of the following reasons:

a. the resident needs nursing or convalescent care;

or

b. Sufficient qualified staff are not available to provide necessary services, such as, meet dietary needs, administer medication or provide necessary care and supervision;

or

c. Approved space is not available for nonambulatory residents;

or

d. The resident is physically or verbally abusive to other residents;

or

e. The resident is habitually disruptive and/or creates unsafe conditions;

or

f. Any semi-mobile resident in a home not licensed for nonambulatory residents is unable, at any time or for any reason, to make a three minute exit from any area of the building available to residents, or who at any time impedes others from making a three minute exit in an emergency or drill.

2. The resident requests that other living arrangements be made.

§ 3.16. When a resident is *permanently* transferred or discharged, the licensee and/or administrator shall provide to the resident or his representative a dated signed statement which contains the following information:

1. The date on which the resident and/or his representative was notified of the planned *permanent* transfer or discharge and the name of the representative who was notified.

# Proposed Regulations

2. The reason(s) for the *permanent* transfer or discharge.

3. The actions taken by facility staff to assist the resident in making an orderly transfer or discharge.

4. The date of the *permanent* transfer or discharge from the facility and the resident's destination.

**NOTE:** Any transfer lasting less than ~~10~~ 14 calendar days shall be considered temporary and § 3.16 shall not apply. Other documentation and notification requirements (See § 4.31), shall be observed.

(NOTE: Primary responsibility for transporting the resident and his possessions rests with the resident and/or his representative.)

§ 3.17. A copy of the written statement required by § 3.16 shall be retained in the resident's record.

§ 3.18. The facility shall adopt a written policy regarding the number of calendar days notice is required when a resident wishes to withdraw from the facility ~~and~~. Any required notice of intent to withdraw shall not exceed 45 days. Notice of this policy shall be incorporated into the residents agreement.

§ 3.19. The resident insofar as he is able, and/or his representative shall participate in plans for relocation, transfer, discharge or withdrawal.

§ 3.20. The licensee or administrator shall provide assistance to the resident and/or his representative in planning and in preparing the resident for relocation, transfer, discharge, or withdrawal. Such preparation shall include discussing with the resident and/or his representative why the relocation, transfer or discharge is necessary and where the resident is being moved.

§ 3.21. When the resident is being transferred or discharged to another facility, the procedures regarding records as set forth in these standards shall be followed. (See § 5.5 B and § 5.8)

## PART IV. SERVICES.

### Article 1. Resident Rights.

§ 4.1. Any resident of a home for adults is entitled to the rights and has the responsibilities as provided for in § 63.1-182.1 of the Code of Virginia (Rights and Responsibilities of Residents in Homes for Adults, and as provided for in these standards and regulations.

§ 4.2. The licensee, and/or administrator shall establish and implement written policies and procedures to be followed by the home in implementing the requirements of § 63.1-182.1 of the Code of Virginia.

These policies and procedures shall be available and accessible to residents, relatives, agencies and the general public.

§ 4.3. The resident is assumed to be able to fully understand and exercise the rights and responsibilities as provided for in § 63.1-182.1 of the Code of Virginia, and these standards and regulations unless a physician determines otherwise.

§ 4.4. If a physician determines that a resident is unable to understand and exercise his rights and responsibilities, his reasons for making such a determination shall be documented in the record.

A. The licensee/administrator shall then require that a responsible person, (See Definition § 1.1) of the resident's choice when possible, be made aware of the rights and responsibilities of the resident and involve him in the decisions which affect the resident in matters relating to the provisions of § 63.1-182.1 of the Code of Virginia.

B. The name of this individual shall be documented in the resident's record.

§ 4.5. The resident shall be encouraged and informed of appropriate means as necessary to exercise his rights as a resident and a citizen throughout the period of his stay at the home.

§ 4.6. The resident has the right to voice and/or file grievances with the home and to make recommendations for changes in the policies and services of the home. The resident shall be protected by the licensee and/or administrator from any form of coercion, discrimination, threats, or reprisal for having voiced or filed such grievances.

§ 4.7. The licensee and/or administrator shall establish and implement the procedure(s) the home will follow when a resident files a grievance with the home. The resident shall be notified of this procedure(s) and shall provide dated written acknowledgement of having been so notified.

§ 4.8. The licensee and/or administrator may not establish any rules or policies related to resident conduct and behavior which would abridge the rights of residents, unless such restrictions are clearly in the interest of resident safety and well-being and are reasonable in nature.

§ 4.9. Each home shall make available in an easily accessible place a copy of the rights and responsibilities of residents of homes for adults, as provided for in § 63.1-182.1 of the Code of Virginia.

A. The copy of the resident rights and responsibilities shall contain the following:

1. The name, title, address and telephone number of

the licensing supervisor in the regional office of the Virginia Department of Social Services whose office has issued the facility's license,

and

2. The toll-free number of the Virginia Long-Term Care Ombudsman Program and any substate (local) ombudsman program serving the area.

3. The names, titles, addresses and telephone numbers in § 4.9.A.1 and 2, above, shall be posted in a conspicuous place available to residents and the general public.

B. The home shall utilize one of the following methods in making this copy available to the resident:

1. Post in a conspicuous place in the home a copy of § 63.1-182.1 of the Code of Virginia, "Rights and Responsibilities of Residents of Homes for Adults";

or

2. Provide to each resident and/or his representative a personal copy of § 63.1-182.1 of the Code of Virginia, and post a written notice in a conspicuous place in the home advising how an additional copy may be obtained.

#### § 4.10. Research and experimentation.

A. Residents have the right to refuse to participate in human subject research or experimentation or to participate in any research in which their identity can be determined (See Definition, § 1.1)

B. The licensee and/or administrator may release statistical information about the residents of the home without the resident's permission only when names have been deleted and the information has been organized so that individual identities cannot be determined.

C. The licensee and/or administrator shall allow residents to be observed only when the resident and/or his legal guardian have been notified of such observation and its purpose and have given consent.

D. The licensee and/or administrator shall verify that any human subject experimentation or research involving residents is conducted in accordance with applicable state and federal laws and complies with recognized professional human subject experimentation standards.

(NOTE: The licensee/administrator has the option of denying research groups access to the facility.)

§ 4.11. No resident, for reason of mobility status, shall be denied access to the use of living areas equivalent to those available to all residents.

§ 4.12. (Vacant)

§ 4.13. (Vacant)

Article 2.

Personal Care and Supervision.

§ 4.14. The resident shall be assisted to maintain his highest level of independence by being consistently encouraged to function at his highest mental, emotional, physical and social potential.

§ 4.15. Utilizing the resident's health and personal information outlined in §§ 5.6 and 5.7, the licensee and/or administrator shall assess the service needs of prospective residents for the purpose of determining whether the home can meet these needs.

(NOTE: Model checklist assessments detailing basic service needs will be supplied by the department upon request.)

§ 4.16. The completed assessment will be filed in the resident's record upon admission.

§ 4.17. The licensee/administrator or designee shall develop individual service plans to meet the resident's service needs as identified.

(NOTE: Service plans are not required for those residents who are assessed as capable of maintaining themselves in an independent living status.)

A. The plans shall be completed within 45 days after admission and shall include the following:

1. Description of identified need,
2. Notation of actions to be taken to meet identified need and person(s) responsible.

B. The master service plan shall be filed in the resident's record; extracts from the plan may be filed in locations specifically identified for their retention; e.g. dietary plan in kitchen.

§ 4.18. Assessments and service plans shall be reevaluated continuously as the condition of the resident changes. Formal reassessment and/or plan review shall be documented in the resident's record at least annually.

§ 4.19. The resident shall be encouraged to participate in plans for his care.

§ 4.20. Facility staff shall at all times speak to and treat the resident with courtesy, respect and consideration and as a person of worth, sensitivity and dignity.

§ 4.21. The resident shall be accorded respect for ordinary privacy in every aspect of daily living, including but not limited to the following:

# Proposed Regulations

---

1. In the resident's room/bedroom or portion thereof, the resident is permitted to have guest(s) from outside the home or other residents.

2. Each resident shall be permitted to close the door of his room at any time, including during visits with other persons.

3. Employees of the home may not enter a resident's room/bedroom without making their presence known by such means as knocking on the door and/or otherwise announcing their presence and requesting permission to enter the room, except in an emergency situation and in accordance with safety and oversight requirements as found in the Licensing Standards for Homes for Adults.

4. In a room/bedroom which is occupied by two or more residents, the licensee and/or administrator shall take care to ensure that visiting in such rooms does not unduly interfere with the privacy rights of other occupants of the room.

§ 4.22. The resident shall be allowed privacy for social or business interviews, as well as for visits with persons of his own choice.

§ 4.23. If it is their choice, residents who are married to each other shall be allowed to share a room, space permitting. When space does not permit those residents to share a room, this fact shall be included in the written agreements required by § 5.16 of these standards and regulations.

§ 4.24. Protection from abuse, neglect and exploitation.

A. The resident shall be protected from any form of mental, emotional, physical, sexual and economic abuse or exploitation.

B. The resident shall not be confined in a room with a door secured in such a manner that he cannot open it.

C. The resident shall be protected from any acts of a threatening, degrading and/or demeaning nature.

D. The known needs of the resident shall not be neglected or ignored by the personnel of the home.

§ 4.25. Special supervision and assistance shall be given to those residents who are unable to keep themselves neat and clean. Assistance with personal hygiene shall include care of the body, mouth, teeth/dentures, fingernails, toenails, hair, beard and moustache. Provision shall be made for baths to be taken at least weekly and more often, if needed or desired.

§ 4.26. Residents shall be assisted with the tasks of daily living which they have difficulty performing and shall be accorded ordinary privacy when given assistance in caring for their intimate personal needs.

§ 4.27. Resident's clothing shall be kept clean and in good repair.

## Article 3. Health Care.

§ 4.28. The following standards apply when the resident is in need of health care services (such as mental health counseling, or care of teeth, feet, eyes, ears, etc.).

A. The resident shall be assisted in making appropriate arrangements for the needed care. When mental health care is needed and/or desired by the resident, this assistance shall include securing the services of the local community mental health and mental retardation services board, state mental health clinic or similar facility or agent in the private sector.

B. When the resident is unable to participate in making appropriate arrangements, the resident's family, legal guardian, the cooperating social agency or personal physician shall be notified of the need.

§ 4.29. No medication or diet which has been prescribed by a physician shall be started, changed or discontinued by the facility without an order by the physician. The resident's record shall contain such written order or a notation of the physician's verbal order.

§ 4.30. When the resident suffers serious accident, illness, or medical condition, medical attention shall be secured immediately.

§ 4.31. The next of kin, or other designated person, and any responsible social agency shall be notified within 24 hours of any serious illness, or accident, or medical condition. A notation shall be made in the resident's record of such notice. In addition, this notation must contain a description of the efforts made by the home to involve the resident in making plans for a medical evaluation and treatment.

§ 4.32. If a resident becomes disturbed and unmanageable, the attending physician, next of kin, and/or the responsible party shall be notified promptly.

§ 4.33. Physical or mechanical restraint.

The resident shall be free of any physical or mechanical restraint except in an emergency situation as defined in these standards and regulations or as medically necessary and authorized for the purpose of providing support to a physically weakened resident.

(NOTE: Physical or mechanical restraints shall not be used as a method of behavior management except in an emergency. (See Definition § 1.1))

A. Physical support restraint.

When any type of mechanical restraint is used for

support of a physically weakened resident, a physician's written order is required and the following standards must apply:

1. A copy of the physician's written order shall be placed in the resident's records;
2. Additional supervision shall be provided to meet the physical and emotional needs of the resident who is restrained;
3. Each resident restrained for the purpose of providing physical support shall be provided the opportunity for care and exercise whenever necessary and at least once every two hour period the restraint is used. Facility staff shall assist any resident who needs assistance with exercising limbs and changing positions and monitor blood circulation. The care and exercise period shall last for a period of not less than three minutes and shall be noted in the resident's record;
4. Complete medical records shall be kept to include physician's progress reports obtained at intervals of not more than 90 days; (See § 5.14)
5. The physician's progress reports shall be based on the resident being seen and examined by a licensed physician, physician's assistant or nurse practitioner at intervals of not more than 90 days.
  - a. These reports shall provide the information required by § 5.14 of these standards and regulations.
  - b. If the examination is performed by a physician's assistant or nurse practitioner, the results shall be reviewed by a licensed physician who shall evaluate and sign the required statement.

## B. Emergency restraint.

The following standards apply each time any type of physical or mechanical restraint is used to control a resident's behavior in an emergency situation (See Definitions of "Emergency" § 1.1).

1. The physician shall be notified immediately.
2. If the physician orders, as part of a treatment program, continued use of restraints for a temporary period, oral orders shall be confirmed in writing.
3. A copy of the written order shall be placed in the resident's record.
4. The resident who is in emergency restraint shall be within sight and sound of staff at all times.
5. Additional supervision shall be provided to meet the physical and emotional needs of the resident who is

restrained to include monitoring the resident as needed but at least every 30 minutes to determine the condition of the resident, the proper application of the restraint, and whether there is continuing need for the restraint.

6. The legal guardian, next of kin and/or any responsible social agency shall be notified immediately of the use of such restraints and the response to treatment.

7. Documentation of requirements regarding use of emergency restraints.

a. A notation shall be made in the resident's record showing the date(s) and the reason restraints were used, the time restraints were initially applied who was notified and when and how the notice was given.

b. A notation shall be made in the resident's record of the time and date of each monitoring check (§ 4.32.B.5).

8. If a resident does not respond within two hours to the treatment prescribed by the attending physician and continues to need emergency restraint the resident shall be transferred to a medical facility or monitored in the facility by a mental health crisis team until his condition has stabilized to the point that the attending physician documents that restraints are not necessary.

9. If the resident does not respond promptly to the treatment prescribed by the attending physician, and emergency restraint is prescribed for more than two hours a day, for seven days in a row, the resident shall be removed from the home.

§ 4.34. An employee who has received the training required in § 2.11.E shall be on duty in the facility whenever a resident is physically or mechanically restrained.

§ 4.35. Full bedside rails, for any resident, shall be used only on the written order of the attending physician. *When the resident is not capable of releasing the bedside rails, then all standards pertaining to physical restraints are applicable. (See § 4.33)*

§ 4.36. Should a medical condition arise while the resident is in the home, the resident has the right to refuse recommended medical treatment. *There shall be documentation in the resident's record that the resident's next of kin, or other designated person, was notified of the resident's medical condition and decision. The licensee/administrator must then evaluate and document whether he the facility can continue to meet the needs of the resident.*

(NOTE: This standard shall not be construed to permit



# Proposed Regulations

---

the resident to refuse life saving measures in a life threatening situation.

§ 4.37. The resident has the right to select health care providers who are reasonably available in the community and whose services can be purchased by the resident.

§ 4.38. Residents shall be afforded ordinary privacy when they receive medical examination or health related consultation at the home.

## Article 4. Medication.

§ 4.39. No prescription drugs shall be kept in the facility unless they have been legally dispensed and labeled by a licensed pharmacist or unless they are stocked in bulk in a licensed pharmacy located on the premises.

§ 4.40. A medicine cabinet, container or compartment shall be used for storage of medications prescribed for residents.

A. It shall be locked.

B. When in use, it shall be illuminated by ~~100 footcandles of light as measured by a light meter~~ in order to read container labels, but shall remain darkened when closed.

C. It shall not be located in the kitchen, but in an area free of dampness or abnormal temperatures.

§ 4.41. A resident may be permitted to keep his own medication in a secure place in his room, if the physician's report has indicated that the resident is capable of self-administering medication. This does not prohibit the facility from storing and distributing or administering all medication provided the provisions of §§ 4.42 and 4.43 are met.

§ 4.42. Distribution of medication.

Drugs from a locked medicine cabinet shall be distributed to the residents for whom they are prescribed by a responsible person who is capable of reading the prescription labels. It is not necessary for a physician to designate who may distribute medication.

§ 4.43. Administration of medication.

A. Drugs shall be administered to those residents whose physicians have stated in writing that they are incapable of self-administration of medications, provided the applicable portions of subsections B, C, and D, below are met.

B. Only those persons authorized by state law to administer drugs shall be permitted to do so. This may include licensed doctors, registered nurses, licensed practical nurses, physician's assistants, or other individuals

who have met the state requirements to perform these functions.

C. An agent authorized in writing by the physician may administer drugs in accordance with such physician's instructions pertaining to dosage, frequency and manner of administration when the drugs administered would be normally self-administered by a resident, as provided by § 54-524.65 of the Code of Virginia.

D. If a staff member is the authorized agent of a physician, such written authorizations shall be retained by the licensee.

## Article 5. Food Service.

§ 4.44. Catering or contract food service.

A. Catering service or contract food service, if used, shall be approved by the state and/or local health department.

B. Persons who are employed by a food service contractor or catering service and who are working on the premises of the home for adults shall meet the health requirements for the home for adults' employees as specified in these standards and regulations and the specific health requirements for food handlers in that locality.

C. Catered food or food prepared and provided on the premises by a contractor shall meet the dietary requirements set forth in these standards.

§ 4.45. Observance of religious dietary practices.

A. The residents' religious dietary practices shall be respected.

B. Religious dietary laws (or practices) of the administrator or licensee shall not be imposed upon residents unless mutually agreed upon in the admission agreement between administrator or licensee and resident.

§ 4.46. Time interval between meals.

A. Time between the evening meal and breakfast the following morning shall not exceed 15 hours.

B. There shall be at least four hours between breakfast and lunch and at least four hours between lunch and supper.

§ 4.47. A minimum of three meals shall be provided each day. *Residents with independent living status, who have kitchens within their individual apartments, may have the option of obtaining meals from the facility or from another source as long as the facility has an acceptable health monitoring plan for these residents and provides meals both for other residents and for residents identified*

# Proposed Regulations

as no longer capable of maintaining independent living status.

§ 4.48. Bedtime snacks shall be made available and shall be listed on the daily menu. Vending machines shall not be used as the only source for bedtime snacks.

§ 4.49. Menus for meals and snacks.

A. Food preferences of residents shall be considered when menus are planned.

B. Menus for meals and snacks shall be planned for at least two weeks in advance. At all times the menu for the following week shall be available.

C. Menus for the current week shall be dated and posted.

D. Any menu substitutions or additions shall be recorded.

E. A record shall be kept of the menus served for three months. They shall be subject to inspection by the department.

F. Minimum daily menu:

1. Unless otherwise ordered in writing by the attending physician, the daily menu, including snacks, for each resident shall provide, at least, the following:

Five-six ozs. of protein food (meat, poultry, fish, eggs, cheese, dry beans, etc.);

Two cups of milk or milk substitute (such as cheese, buttermilk, pudding, yogurt, etc.);

Four servings (1/2 to 3/4 cup each) of fruits or vegetables; (one serving each day shall be a vitamin C source and a dark green or yellow vegetable shall be served at least three times each week).

Four or more servings of whole grain or enriched breads (one slice per serving), and/or cereals (1/2 to 3/4 cups per serving).

2. Other foods may be added.

3. Extra servings shall be provided, if requested.

4. At least one meal each day shall include a hot main dish.

§ 4.50. When a diet is prescribed for a resident by the attending physician, it shall be prepared and served according to the physician's orders.

§ 4.51. There shall be at least a seven day supply of staple foods on hand to meet individual daily dietary requirements of residents in case of emergencies.

§ 4.52. All meals shall be served in the dining area as designated by the facility. Under special circumstances, such as illness or incapacity, meals may be served in a resident's room, provided a sturdy table is used.

§ 4.53. Personnel shall be available to help any resident who may need assistance in reaching the dining room or when eating.

§ 4.54. Table coverings and napkins shall be clean at all times.

## Article 6. Resident Activities.

§ 4.55. There shall be at least one or more scheduled ~~activity~~ activities available to the residents for no less than ~~one hour~~ two hours each day. ~~This activity~~ Activities shall be of a social, recreational, religious, or diversional nature. Community resources may be used to provide ~~this activity~~ activities.

§ 4.56. Activities shall be planned for at least one week in advance.

§ 4.57. These activities shall be varied and shall be planned in consideration of the abilities, physical conditions, needs and interests of the residents.

§ 4.58. The week's schedule of activities shall be written and posted in advance in a conspicuous place. Residents shall be informed of the activities program.

§ 4.59. A record shall be kept of the activity schedules for the past three months. They shall be available for inspection by the department.

§ 4.60. Resident participation in activities.

A. Residents shall be encouraged but not forced to participate in the program of activities.

B. At his discretion, the resident shall be permitted to meet with and participate in activities provided by social, religious and community groups, unless restrictions are imposed by the resident's physician.

C. Any restrictions imposed by a physician shall be documented in the resident's record and such restrictions shall be based solely on reasons of medical necessity.

## Article 7. Visitation.

§ 4.61. Visiting in the home.

A. Daily visits to residents in the home shall be permitted.

B. If visiting hours are restricted, daily visiting hours shall be posted in a place conspicuous to the public.

# Proposed Regulations

---

## § 4.62. Visiting outside the home.

Residents shall not be prohibited from making reasonable visits away from the home except when there is a written order of the legal guardian to the contrary.

### Article 8. Mail.

## § 4.63. Incoming and outgoing mail shall not be censored.

## § 4.64. Incoming mail shall be delivered promptly.

§ 4.65. Mail shall not be opened by staff except upon request of the resident or written request of the legal guardian.

### Article 9. Transportation.

§ 4.66. The resident shall be assisted in making arrangements for transportation.

## PART V. RECORDS.

### Article 1. General Requirements.

§ 5.1. Any forms used for record keeping shall contain at a minimum the information specified in these standards and regulations. Model forms, which may be copied, will be supplied by the department upon request.

§ 5.2. If any form such as medical, information, etc., developed by the department is not used, the substitute form shall be approved by the department.

§ 5.3. ~~Records shall be kept in a locked area.~~ *All records which contain the information required by these standards for both residents and personnel shall be retained at the facility and kept in a locked area.*

§ 5.4. The licensee shall have the responsibility for assuring that all records are treated confidentially and that information shall be made available only when needed for care of the resident.

(EXCEPTION: All records shall be made available for inspection by the department's representative.)

### Article 2. Resident Records.

§ 5.5. When a resident is admitted to the home, a permanent individual record shall be established.

A. The record shall be kept current.

B. The complete record shall be retained until two years after the resident leaves the home.

§ 5.6. Personal and social data to be maintained in the record:

1. Name;
2. Address;
  - a. Address from which resident was received;
  - b. Last home address, if different and known;
3. Date of admission;
4. Social Security number;
5. Birthdate (If unknown, estimated age);
6. Birthplace, if known;
7. Marital status, if known;
8. Name, address and telephone number of legal guardian, committee, personal representative, or other person responsible;
9. Name, address and telephone number of next of kin, if known (two preferred);
10. Name, address and telephone number of personal physician, if known;
11. Name, address and telephone number of clergyman and place of worship, if applicable;
12. Name, address and telephone number of local welfare department and/or any other agency, if applicable (the name of caseworker, if known);
13. Previous occupation, if available;
14. Special interests and hobbies, if known;
15. Date of discharge from the home for adults and destination. In the event discharge was made under emergency conditions the name of the responsible party who was notified and the date of the notification.

§ 5.7. Health information to be maintained:

1. Prior to admission, the report of a physician examination, including screening for tuberculosis, shall be submitted to the home as required in § 3.3.
2. Form and content of the physical examination report by § 3.3.
  - a. The report shall contain the following information:
    - (1) The date of the physical examination;

- (2) Any diagnoses or significant problems; and
- (3) Any recommendations for care including medication, diet and therapy.

b. Each report shall include separate statements that:

- (1) The individual is free of tuberculosis in a communicable form, including the type(s) of tests used and the results;

- (2) The individual does not need nursing or convalescent care (i.e., intermediate or skilled nursing care routinely provided in a facility subject to licensure by the State Virginia Department of Health);

- (3) The individual is not bedfast;

- (4) The person's needs can be met in a home for adults which is not a medical facility;

- (5) The individual is considered to be independently mobile, potentially semi-mobile, or nonambulatory. (See Definitions, § 1.1)

- (6) The individual is or is not capable of administering his own medicine.

- (7) If the facility is licensed only for ambulatory residents the preadmission medical examination form shall contain a statement that:

- (a) The prospective resident does not have a medical condition which would preclude making an attempt to make a three minute exit.

- (b) Clarifies whether the prospective resident is independently mobile or semi-mobile as defined in these regulations.

c. Each report shall be signed by the licensed physician, the physician's designee, or an official of a local department of health.

d. When the individual is a post-hospitalized person, the report of physical examination shall include a summary of the individual's aftercare/follow-along service needs. (See § 3.12D and E)

### 3. Subsequent evaluation for tuberculosis.

Any resident who comes in contact with a known case of tuberculosis or who develops chronic respiratory symptoms, within 30 days of exposure/development, shall receive an evaluation in accord with § 5.7.2.b.(1).

§ 5.8. When a resident moves to another care-giving facility, the administrator shall provide to the receiving facility such information related to the resident as is

necessary to ensure continuity of care and services to the resident. Original information pertaining to the resident shall be maintained by the home from which the resident was transferred/discharged. The home shall maintain a listing of all information shared with the receiving facility.

### § 5.9. Consent for release of information.

A. The resident or his legal guardian has the right to release information from the resident's record to person(s) or agencies outside the facility.

B. The licensee is responsible for making available to residents a form which residents may use to grant their written permission to release information to a person or agency outside the facility.

(NOTE: A model form, which may be copied, may be obtained from the department.)

§ 5.10. Only under the following circumstances is a facility permitted to release information from the resident's records and/or information regarding the resident's personal affairs without the written permission of the resident or his legal guardian:

1. When records have been properly subpoenaed;
2. When the resident is in need of emergency medical care and is unable or unwilling to grant permission to release information and/or his legal guardian is not available to grant permission;
3. As provided in § 5.8 of these regulations.
4. To representatives of the department.
5. As otherwise required by law.

§ 5.11. The department, at any time, may request a report of a current psychiatric or physical examination, giving the diagnosed and/or evaluation, for the purpose of determining whether the resident's need may continue to be met in a home for adults. When requested, this report shall be provided and shall be in the form specified by the department.

§ 5.12. Copies of the written progress reports regarding post-hospitalized residents, required by § 3.12 F of these standards and regulations, shall be retained in the resident's records.

§ 5.13. Any physician's notes and progress reports in the possession of the home shall be retained in the resident's record.

§ 5.14. A statement signed by a physician shall be in the record of the resident who is remaining in the home after becoming bedfast or who is physically restrained for nonemergency situations as described in § 4.32 A. This statement shall be obtained as intervals of not more than

# Proposed Regulations

90 days and shall state that:

1. The resident is not in need of nursing or convalescent care; (The basis for this decision shall be recorded in terms of the diagnosis and prognosis.)
2. The resident's needs can be met in the facility; and
3. Continuing restraint in an emergency, is not necessary.

§ 5.15. A notation of the notification of any serious illness, accident or use of restraint shall be made in the record within 24 hours. (See §§ 4.31 and 4.32.A.8.a concerning notification of next of kin.)

## Article 3. Agreements.

§ 5.16. Copies of all agreements between the home and the resident or official acknowledgement of required notifications, signed by all parties involved, shall be retained in the resident's record. Copies shall be provided the resident and any responsible party.

§ 5.17. At the time of admission, these agreements/acknowledgements of notification shall include the following:

1. Financial arrangement for care.

The resident financial agreement shall specify the following understanding and agreements regarding financial arrangements for care and services:

- a. The amount to be paid, including charges for specific services, the frequency of payment, and any rules relating to nonpayment;
- b. The policy with respect to increases in charges and length of time for advance notice of intent to increase charges;
- c. If the ownership of any personal property, real estate, money or financial investments is to be transferred to the home at the time of admission or at some future date, it shall be stipulated in the agreement.

2. Description of general services available to all residents.

3. Listing of specific charges for services to be made to the individual resident signing the agreement.

4. Requirements or rules to be imposed regarding resident conduct and signed acknowledgement that they have been reviewed by the resident/responsible party.

5. Acknowledgement that the resident has reviewed a

copy of § 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults, and that the provisions of this statute have been explained to him.

6. Acknowledgement that the resident and/or his representative have reviewed and had explained to him the home's policies and procedures for implementing § 63.1-182.1 of the Code of Virginia, including the grievance policy (§ 4.7) and relocation policy.

§ 5.18. Section 63.1-182.1 of the Code of Virginia, Rights and Responsibilities of Residents in Homes for Adults shall be reviewed with all resident annually. ~~Written acknowledgment of such~~ The initial review shall be acknowledged by signature of each resident. This acknowledgment shall be placed in each resident's record upon admission. Thereafter, the home is responsible for maintaining a written record indicating that all residents were informed of their rights on an annual basis. The record must include the date and names of residents.

§ 5.19. A new agreement shall be signed or the original agreement shall be updated and signed by the resident, the guardian, committee or personal representative and by the licensee or administrator when there are changes in financial arrangements, services or requirements governing the residents conduct. If the original agreement provides for specific changes in financial arrangements, services or requirements, this standard does not apply.

§ 5.20. The resident shall have the right to manage all of his financial affairs and funds, unless a committee or guardian has been appointed for the resident.

§ 5.21. Delegation of financial management responsibility.

If the resident delegates the management of personal financial affairs to the home, the following Standards apply:

1. Such delegation shall be in writing, with all properties listed in detail. This shall include all monies, stocks, bonds, securities, personal property, real estate, and any other anticipated income. A copy of the delegation shall be placed in the resident's record and a copy shall be given to the resident or responsible party.

2. A quarterly accounting shall be made to the resident, with a copy being retained in the record.

3. Upon termination of care, an accounting of such funds and assets shall be made to the resident or responsible party.

§ 5.22. Resident accounts.

A. A statement or itemized receipt of the resident's account shall be provided to the resident monthly and a

copy placed in his record.

**EXCEPTION:** See § 5.21 for situations where responsibility for management of the resident's financial affairs has been delegated to the home, which requires a quarterly accounting only.

B. The monthly statement or itemized receipt shall itemize any charges made and any payments received during the previous 30 days or during the previous calendar month and shall show the balance due or any credits for overpayments on the resident's account.

#### § 5.23. Safeguarding resident funds.

If any personal funds are held by the home for safekeeping on behalf of the resident, a written accounting of money received and disbursed, showing a current balance, shall be maintained.

A. ~~Sueh~~ Residents' funds and ~~sueh~~ the accounting of the funds shall be made available to the resident and/or the responsible party upon request.

B. ~~Sueh~~ Residents' funds shall be returned to the resident or the responsible party upon termination of care.

C. Residents' funds shall be held separately from any other moneys of the home.

D. Residents' funds shall not be borrowed, used as assets of the home, or used for purposes of personal interest by the licensee/operator or facility staff.

§ 5.24. There shall be a written agreement between the home and any resident who performs staff duties (See § 2.12).

A. The agreement shall not be a condition for admission or continued residence.

B. The resident shall enter into such an agreement voluntarily.

C. The agreement shall specify duties, hours of work, and compensation.

#### Article 4. Employee Records.

§ 5.25. A record shall be established for each staff member. It shall not be destroyed until two years after employment is terminated.

§ 5.26. Personal and social data to be recorded:

1. Name;
2. Birthdate;
3. Current address and telephone number;

4. Position and date employed;

5. Last previous employment;

6. For persons employed after November 9, 1975, copies of at least two references or notations of verbal references, *obtained prior to employment*, reflecting the date of the reference, the source and the content;

7. Previous experience and/or training;

8. Social Security number;

9. Name and telephone number of person to contact in an emergency;

10. Notations of formal training received following employment;

11. Date and reason for termination of employment.

§ 5.27. Health information required by these standards shall be maintained at the facility for the licensee and/or administrator, each staff member, and each household member who comes in contact with residents or handles food.

A. Initial tuberculosis examination and report:

1. Within 30 days before or 30 days after employment or contact with residents, each individual shall obtain an evaluation indicating the absence of tuberculosis in a communicable form.

(EXCEPTION: When a staff person terminates work at one licensed facility and begins working at another licensed facility with a gap in service of six months or less, the previous statement of tuberculosis screening may be transferred to the second facility.)

2. Each individual shall submit a statement that he is free of tuberculosis in a communicable form. This statement shall be maintained at the facility and shall include the following:

- a. The type(s) of test(s) used and the test result(s);
- b. The date of the statement; and
- c. The signature of the licensed physician, the physician's designee, or an official of a local health department.

B. Subsequent evaluations.

Any individual who comes in contact with a known case of tuberculosis or who develops chronic respiratory/symptoms shall, within 30 days of exposure/development, receive an evaluation in accord with § 5.27.A.

# Proposed Regulations

---

§ 5.28. At the request of the administrator of the facility or the Department of Social Services, a report of examination by a licensed physician shall be obtained when there are indications that the safety of residents in care may be jeopardized by the physical or mental health of a specified individual.

§ 5.29. Any individual who, upon examination or as a result of tests, shows indication of a physical or mental condition which may jeopardize the safety of residents in care or which would prevent performance of duties:

(a) Shall be removed immediately from contact with residents and food served to residents; and

(b) Shall not be allowed contact with resident or food served to residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

§ 5.30. *The facility shall maintain public liability insurance for bodily injury with a minimum limit of at least \$500,000 each occurrence/\$500,000 aggregate. Evidence of insurance coverage shall be made available to the department's representative upon request.*

(NOTE: Language of specific policies may vary provided that the minimum amount of coverage is met.)

## PART VI. BUILDING AND GROUNDS.

### Article 1. Buildings.

§ 6.1. Buildings subject to state and/or local building code shall meet these codes. A Certificate of Occupancy shall be obtained as evidence of compliance with the applicable code(s).

§ 6.2. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the department, to the local building official, to the local health department and/or to the Office of the State Fire Marshal, and/or local fire department where applicable, for review and recommendations.

§ 6.3. No mobile home shall be used as a home for adults or as a part of a home for adults.

§ 6.4. Buildings shall present no safety hazards.

§ 6.5. All rooms shall be well ventilated.

§ 6.6. Doors.

A. All doors shall open and close readily and effectively.

B. Any doorway that is used for ventilation shall be

effectively screened.

C. Screen doors shall open outward.

§ 6.7. Any window that is used for ventilation shall be effectively screened and shall open and close readily.

§ 6.8. Rooms extending below ground level shall not be used for residents unless they are dry and well ventilated. Bedrooms below ground level shall have required window space and ceiling height.

§ 6.9. Heat.

A. Heat shall be supplied from a central heating plant or by an approved electrical heating system.

B. Provided their installation or operation has been approved by the state or local fire authorities, space heaters, such as but not limited to, wood burning stoves, coal burning stoves, and oil heaters, and/or portable heating units either vented or unvented, may be used only to provide or supplement heat in the event of a power failure or similar emergency.

C. When outside temperatures are below 65°F a temperature of at least 72°F shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours, when residents are asleep, a temperature of at least 68°F shall be maintained. This standard applies unless otherwise mandated by federal or state authorities.

§ 6.10. There shall be hot and cold running water from an approved source.

§ 6.11. Cooling devices (fan or air conditioners).

A. Cooling devices shall be made available in those areas of buildings used by residents when inside temperatures exceed 85°F.

B. Any electric fans shall be screened and placed for the protection of the residents.

C. Cooling devices shall be placed to minimize drafts.

§ 6.12. Lighting.

A. Artificial lighting shall be by electricity.

B. All areas shall be well lighted for the safety and comfort of the residents according to the nature of activities.

C. Night lights shall be provided in halls.

D. The following footcandles of light as registered on a light meter shall be provided for general illuminations in the areas specified:

1. Sitting area 30;
2. Bathrooms 30;
3. Dining area 30;
4. Stairways 30;
5. Resident's rooms 30;
6. Halls 20;
7. Reading areas 30.

Hallways, stairwells, foyers, doorways, and exits utilized by residents shall be kept well lighted at all times residents are present in the building(s).

E. Areas used for crafts or handwork shall be illuminated by 100 footcandles of light as measured by a light meter. Additional lighting, as necessary to provide and ensure presence of contrast, shall be available for immediate use in areas that may present safety hazards, such as but not limited to stairways, doorways, passageways, changes in floor level, kitchen, bathrooms and basements.

F. Glare shall be kept at a minimum in rooms used by residents.

1. When necessary to reduce glare, windows shall be equipped with shades, curtains or other coverings.

2. All lights, including fluorescent lights, shall be covered with shades or protective fixtures or specially equipped to reduce glare and ensure protection.

G. If used, fluorescent lights shall be replaced if they flicker or make noise.

H. All sources of light including windows, light fixtures, bulbs, etc., shall be kept clean.

F. I. Emergency lighting.

1. Flashlights or battery lanterns shall be available at all times, with one light for each employee directly responsible for resident care who is on duty between 6 p.m. and 6 a.m.

2. There shall be one operable flashlight or battery lantern available for each bedroom used by residents and for the living and dining area unless there is a provision for emergency lighting in the adjoining hallways.

3. In homes not subject to the Uniform Statewide Building Code, but where there are 25 or more residents housed under one roof, there shall be provisions for emergency lighting or corridors and stairways leading to required exits by an independent standby system consistent with the Uniform Statewide Building Code.

4. Open flame lighting is prohibited.

G. J. Outside entrances and parking areas shall be

lighted for protection against injuries and intruders.

§ 6.13. Each room shall have walls, ceiling, and floors or carpeting that may be cleaned satisfactorily.

§ 6.14. All inside and outside steps, stairways and ramps shall have nonslip surfaces.

§ 6.15. Handrails shall be provided on all stairways, ramps, elevators, and at changes of floor level.

§ 6.16. Safeguards that are acceptable under existing fire and building codes shall be provided in hazardous areas that may include, but shall not be limited to, windows, doors, porches and changes in floor level.

§ 6.17. Elevators, where used, shall be kept in good running condition and shall be inspected at least annually. The signed and dated certificate of inspection issued by the local housing authority, by the insurance company, or by the elevator company shall be evidence of such inspection.

§ 6.18. Housing for nonambulatory and semi-mobile residents.

A. In homes where nonambulatory residents are housed:

1. Ramp(s) shall be provided at ground level;

2. Doorways shall permit passage of wheelchairs, if used.

B. In homes not licensed for nonambulatory residents but where semi-mobile residents are housed:

1. Two first floor exits shall be at ground level or ramped.

2. Doorways in areas commonly used by semi-mobile residents shall permit passage of wheelchairs or walkers, if used.

§ 6.19. There shall be enclosed walkways between residents' rooms and dining and sitting areas which are adequately lighted, heated, and ventilated. This requirement shall not apply to existing buildings of homes that had licenses in effect on January 1, 1980, unless such buildings are remodeled after that date or there is a change of sponsorship of the licensed home.

§ 6.20. Sitting room - dining room - recreation area.

Space other than sleeping areas must be provided that the residents may use for sitting, for visiting with each other and/or with guests, for social and recreational activities, and for dining. These rooms may be used interchangeably.

§ 6.21. Sleeping areas.



# Proposed Regulations

---

Resident sleeping quarters shall provide:

1. For not less than 450 cubic feet of air space per resident;
2. For not less than 80 square feet of floor area in bedrooms accommodating one resident;
3. For not less than 60 square feet of floor area per person in rooms accommodating two or more residents;
4. For ceilings at least 7 1/2 feet in height;
5. Window area:
  - a. There shall be at least eight square feet of window area *above ground level* in a room housing one person;
  - b. There shall be at least six square feet of window area *above ground level* per person in rooms occupied by two or more persons.
6. For occupancy by no more than four residents in a room:

(EXCEPTION: A home that had a valid license on January 1, 1980, permitting care of more than four residents in specific room(s), will be deemed to be in compliance with this standard; however, the home may not exceed the maximum number of four residents in any other room in the facility. This exception will not be applicable if the home is remodeled or if there is a change of sponsorship.)

7. For at least three feet of space between sides and ends of beds that are placed in the same room;
8. That no bedroom shall be used as a corridor to any other room;
9. That all beds shall be placed only in bedrooms;
10. That household members and staff shall not share bedrooms with residents.

## § 6.22. Toilet, handwashing and bathing facilities.

A. In determining the number of toilets, washbasins, bathtubs or showers required, the total number of persons residing on the premises shall be considered. Unless there are separate facilities for household members or live-in staff, they shall be counted in determining the required number of fixtures. In a home with a valid license on January 1, 1980, only residents shall be counted in making the determination unless such home is subsequently remodeled or there is a change of sponsorship.

1. On each floor where there are residents' bedrooms, there shall be at least:

- a. *At least* one toilet for seven persons;
- b. *At least* one washbasin for each seven persons;
- c. *At least* one bathtub or shower for each 10 persons;
- d. Toilets, washbasins and bathtubs or showers in separate rooms for men and women where more than seven persons live on a floor. *Bathrooms designed for multiple occupancy shall be designated by sex. Sex designation of bathrooms shall remain constant during the course of a day.*

2. On floors used by residents where there are no residents' bedrooms there shall be:

- a. At least one toilet;
- b. At least one washbasin;
- c. Toilets and washbasins in separate rooms for men and women in homes where there are 10 or more residents. *Bathrooms designed for multiple occupancy shall be designated by sex. Sex designation of bathrooms shall remain constant during the course of a day.*

B. Bathrooms shall provide for visual privacy for such activities as bathing, toileting, and dressing.

C. There shall be ventilation to the outside in order to eliminate foul odors.

D. There shall be ample supply of hot and cold water. (Precautionary measures shall be taken to prevent scalding in basins, tubs and showers.)

E. The following sturdy safeguards shall be provided:

1. Handrails by bathtubs;
2. Grab bars by toilets;
3. Handrails and stools by stall showers.

(EXCEPTION: The use of ~~handrails, grab bars and stools~~ shall be optional in facilities used for independent living for individuals with independent living status.)

## Article 2. Grounds.

§ 6.23. Grounds shall be free of hazards.

§ 6.24. Grounds shall be readily accessible in all seasons from the home and from the roadway.

§ 6.25. Grounds shall be properly maintained, to include freedom from trash and litter, mowing of grass, removal of snow and ice, etc.

## PART VII. FURNISHINGS, EQUIPMENT AND SUPPLIES.

### Article 1. Telephone.

§ 7.1. Each building shall have at least one operable, nonpay telephone easily accessible to staff. There shall be additional telephones or extensions as may be needed to summon help in an emergency.

§ 7.2. The resident shall have reasonable access to a telephone on the premises.

§ 7.3. Privacy shall be provided for residents to use a telephone.

### Article 2. Signaling Devices.

§ 7.4. All homes for adults shall have a signaling device that is audible or visible at the staff station and is easily accessible to the resident in his bedroom or in a connecting bathroom.

§ 7.5. In homes licensed to care for 20 or more residents under one roof:

A. The signaling device shall be one which terminates at the staff station and permits staff to determine the origin of the signal.

or

B. If the device does not terminate at the staff station so as to permit staff to determine the origin of the signal, staff shall make rounds at intervals of at least once an hour as specified in § 2.9.E.1.

### Article 3. First Aid and Emergency Supplies.

§ 7.6. First aid emergency supplies shall be on hand. These supplies shall include but shall not be limited to scissors, tweezers, gauze and adhesive tape. These supplies shall be located in a designated place within the home.

§ 7.7. In those homes where ambulance service is not available within 15 minutes there shall be a complete first aid kit, containing those items specified in the Standard First Aid and Personal Safety Manual that is available from all chapters of the American Red Cross. (See § 2.9 F)

### Article 4. Living and Sleeping Areas.

§ 7.8. Sitting rooms and/or recreation areas shall be equipped with:

1. Comfortable chairs (e.g. overstuffed, straight-backed,

and rockers);

2. Tables;

3. Lamps;

4. Television (if not available in other areas of the facility);

5. Radio (if not available in other areas of the facility);

6. Current newspaper and magazines;

7. Books;

8. Games;

9. Materials appropriate for the implementation of the planned activity program.

§ 7.9. Dining areas shall have a sufficient number of sturdy dining tables and chairs to serve all residents, either all at one time or in shifts.

§ 7.10. Bedrooms shall contain the following items:

1. A separate bed with comfortable mattress, springs and pillow for each resident;

(EXCEPTION: Provisions for a double bed for a married couple shall be optional.)

2. A table or its equivalent accessible to each bed;

3. An operable bed lamp or bedside light accessible to each resident;

4. A chair for each resident;

5. Drawer space for clothing and other personal items. If more than one resident occupies a room, ample drawer space shall be assigned to each individual;

6. At least one mirror.

§ 7.11. Adequate and accessible closet or wardrobe space shall be provided for each resident.

§ 7.12. Prior to or at the time of admission, the resident and/or his representative shall be informed of the home's policy regarding bringing resident possessions into the home.

§ 7.13. The resident shall be encouraged to furnish or decorate his room as space and safety considerations permit and in accordance with these standards and regulations.

§ 7.14. The home shall have sufficient bed and bath linens in good repair so that residents always have clean

# Proposed Regulations

---

1. Sheets;
2. Pillowcases;
3. Blankets;
4. Bedspreads;
5. Towels;
6. Washcloths;
7. Waterproof mattress covers when needed.

§ 7.15. The home shall have an adequate supply of toilet tissue and soap. Toilet tissue shall be accessible to each commode.

§ 7.16. At least one moveable thermometer shall be available in each building for measuring temperatures in individuals rooms that do not have a fixed thermostat which shows the temperature in the room.

§ 7.17. Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.

§ 7.18. Adequate kitchen facilities and equipment shall be provided for preparation and serving of meals.

§ 7.19. When any portion of a home for adults is subject to inspection by the State Health Department, the home shall be in compliance with those regulations, as evidenced by a report from the State Health Department.

## PART VIII. HOUSEKEEPING AND MAINTENANCE.

§ 8.1. The interior and exterior of all buildings shall be maintained in good repair.

§ 8.2. The interior and exterior of all buildings shall be kept clean and shall be free of rubbish.

§ 8.3. All buildings shall be well ventilated and free from foul, stale and musty odors.

§ 8.4. Adequate provisions for the collection and legal disposal of garbage, ashes and waste material shall be made.

A. Covered, vermin-proof, watertight containers shall be used.

B. Containers shall be emptied and cleaned at least once a week.

§ 8.5. Buildings shall be kept free of flies, roaches, rats and other vermin. The grounds shall be kept free of their breeding places.

§ 8.6. All sewage shall be disposed of in a public sewer system or in an approved sewage disposal system which meets state and/or local health requirements.

§ 8.7. All furnishings and equipment, including plumbing fixtures, shall be kept clean and in good repair.

§ 8.8. Bed and bath linens shall be changed at least every seven days and more often if needed.

§ 8.9. Laundering.

A. Table and kitchen linens shall be laundered separately from other washable goods.

B. A sanitizing agent shall be used when bed, bath, table and kitchen linens are washed.

## PART IX. FIRE AND EMERGENCY PROTECTION.

§ 9.1. Virginia Public Building Safety Code and Uniform Statewide Building Code.

A. When any building of a home for adults is subject to inspection by the Office of the State Fire Marshal, it shall meet the requirements of the Virginia Public Building Safety Code.

B. When any building of a home for adults is subject to inspection by building officials, it shall meet the requirements of the Uniform Statewide Building Code.

§ 9.2. A home for adults shall comply with any local fire ordinance.

§ 9.3. A home for adults shall be free from fire hazards and shall provide adequate protection as determined by at least an annual inspection by the local fire department, a volunteer fire department, or a fire authority recognized by the department. The report of the inspection shall be made on a form provided by the department.

§ 9.4. Emergency plans.

A. A detailed emergency plan shall be prepared for each home for adults. The plan shall consist of the following:

1. Written procedures to be followed in the event of a fire or similar emergency. The local fire department or fire prevention bureau shall be consulted in preparing such a plan, if possible;

2. A drawing of each floor of each building, showing alternative exits for use in an emergency, location of telephones, fire alarm boxes and fire extinguishers, if any.

3. Written procedures to meet other emergencies, including severe weather, loss of utilities, missing

persons, severe injury.

B. The emergency fire plan required by this standard shall be prominently displayed on each floor of each building used by residents.

C. The telephone number for the fire department, rescue squad or ambulance, and police shall be posted by each telephone shown on the emergency/fire plan.

(NOTE: In homes for adults where all outgoing telephone calls must be placed through a central switchboard located on the premises, this information may be posted by the switchboard rather than by each telephone, providing this switchboard is manned 24 hours each day.)

D. The licensee and/or administrator and all staff members shall be fully informed of the fire plan for the home, including their duties, and the location and operation of fire extinguishers and fire alarm boxes, if available. They shall know the telephone procedure for calling the fire department.

E. The emergency plan required by § 9.4 A of these standards and regulations shall be discussed at orientation for new staff, for new residents, and for volunteers.

## § 9.5. Fire drills.

A. At least one fire drill shall be held each month for the staff on duty and those residents able to participate. During a three-month period:

1. At least one fire drill shall be held between the hours of 7 a.m. and 3 p.m.;
2. At least one fire drill shall be held between the hours of 3 p.m. and 11 p.m.;
3. At least one fire drill shall be held between the hours of 11 p.m. and 7 a.m.

B. Homes not licensed for nonambulatory residents shall require all residents to participate in all required drills.

C. Additional fire drills may be held at the discretion of the administrator, fire official, or licensing specialist, and must be held in homes not licensed for nonambulatory residents *but which house semi-mobile residents* when there is any reason to question whether all residents can evacuate the building within three minutes. (See also § 3.15.1.f)

D. The required drills (§§ 3.9.C.2, 9.5.A.1-3 and 9.5.C) shall be planned and each required drill shall be unannounced.

E. The fire plan shall be reviewed quarterly with all staff and with all residents.

F. Immediately following each required fire drill, there shall be an evaluation of the drill by the staff in order to determine the effectiveness of the fire plan.

G. A record of required fire drills shall be kept in the home for one year. Such record shall include the date, the hour, the number of staff participating, the number of residents; and the time required to evacuate the building if such evacuation is required by the emergency plan.

H. In homes not licensed for nonambulatory residents, all residents must evacuate the building or meet the requirements of the approved fire plan within three minutes on each drill required by §§ 3.9.C.2, 9.5.A.1-3 and 9.5.C.

I. In homes not licensed for nonambulatory residents, if the building is not evacuated or the requirements of the approved fire plan met within three minutes, the administrator/licensee shall attach to the fire drill report the following:

1. Names of residents unable to evacuate the building within three minutes and reasons therefor.
2. Facility's plan for rapidly reestablishing ability to evacuate the building within three minutes. The plan must include the discharge of all residents who are unable to exit the building within three minutes or who impede others' exit. (See § 5.15.1.f)

J. In homes not licensed for nonambulatory residents *but which house semi-mobile residents*, all fire drills shall be timed with an instrument which indicates seconds; the three minute timed interval begins when the first signal is given.

K. Fire drills shall include, as a minimum:

1. Sounding of fire alarms;
2. Practice in building evacuation procedures;
3. Practice in alerting fire fighting authorities;
4. Simulated use of fire fighting equipment;
5. Practice in fire containment procedures; and
6. Practice of other simulated fire safety procedures as may be required by the facility's written fire plan.

## § 9.6. Housing of semi-mobile and nonambulatory residents.

A. In building or portions of building subject to Virginia Fire Safety Regulations, all residents must be independently mobile if occupancy is restricted to ambulatory persons under the Virginia Public Building Safety Code unless the licensed capacity of the building is 20 or fewer and all regulations regarding housing of semi-mobile residents are met.

# Proposed Regulations

B. In buildings subject to the Uniform Statewide Building Code, all residents must be independently mobile unless the building or portions of the building have been approved in the I-2 Classification or unless the licensed capacity of the building is 20 or fewer and all regulations regarding housing of semi-mobile residents are met.

## PART X. ADDITIONAL REQUIREMENT WITH RESPECT TO PUBLIC HOMES.

§ 10.1. If the home is operated by a political subdivision of the state or by two or more such subdivisions, copies of applicable ordinances and operating policies shall be filed with the department.

### DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Title of Regulation: VR 385-01-06. Minimum Standards of Entrances to State Highways.

Statutory Authority: §§ 33.1-12(3), 33.1-197 and 33.1-198 of the Code of Virginia.

Public Hearing Date: April 1, 1988 - 2 p.m.  
(See Calendar of Events section  
for additional information)

#### Summary:

*In the interest of public safety, the Virginia Department of Transportation has established guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.*

*These guidelines are set forth primarily for commercial and industrial entrances. The guidelines and illustrations are compatible with the department's Maintenance Division's "Policy Manual" and "Land Use Permit Manual" and with the Location and Design Division's "Road and Bridge Standards."*

*Entrance controls not only protect through traffic from indiscriminate interferences, but are designed to promote safe and efficient ingress and egress for commercial and industrial establishments.*

VR 385-01-06. Minimum Standards of Entrances to State Highways.

## PART I. GENERAL

### § 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning unless the

content clearly indicates otherwise:

"Board" means the Commonwealth Transportation Board, Commonwealth of Virginia.

"Clear zone" means the unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The width of the clear zone is influenced by the type of facility, speed, horizontal alignment and embankment, as defined in the American Association of State Highway and Transportation Officials Manual (AASHTO's), "A Policy on Geometric Design of Highways and Streets" (1984), page 371, which is incorporated by reference and made a part of these regulations.

"Commercial entrance" means an entrance serving all entities other than private homes.

"Commissioner" means the Commonwealth Transportation Commissioner, who is also Chairman of the Commonwealth Transportation Board.

"Commonwealth" means the Commonwealth of Virginia.

"Department" means the Department of Transportation, Commonwealth of Virginia.

"Design speed" means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern, as defined in AASHTO's, "A Policy on Geometric Design of Highways and Streets" (1984), page 60.

"Engineer" means the engineer representing the Department of Transportation, Commonwealth of Virginia.

"Operating speed" means the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis, as defined in AASHTO's, "A Policy on Geometric Design of Highways and Streets" (1984), page 60.

"Private entrance" means an entrance serving a private home and used for the exclusive benefit of the permittee.

"Right-of-way" means that property within the entire area of every way or place of whatever nature within the system of state highways under the ownership control or jurisdiction of the board or department, which is open or which is to be open within the future for the use of the public for purposes of travel in the Commonwealth. The area set out above includes not only the traveled portion but the entire area within and without the traveled portion, from boundary line to boundary line, and also parking and recreation areas which are under the ownership, control or jurisdiction of the board or department.

"Sight distance," for crossovers and commercial entrances, means the distance is measured between the height of a driver's eye (3.5 feet) and the height of a 4.25 foot object without horizontal or vertical obstruction to the line of sight.

"Speed limit" – There are two speed control regulations as defined in the Uniform Vehicle Code, § 11-801-A as taken from the Workbook for the Traffic Engineering Seminar (September 1975), Traffic Institute of Northwestern University.

"Maximum speed limit" means no person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

"Minimum speed limit" means no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

"System of state highways" means all highways and roads under the ownership, control, or jurisdiction of the board including, but not limited to, the primary, secondary, and interstate systems.

## § 1.2. Procedure for obtaining permits.

All applications for permits shall be obtained from and submitted through the office of the Resident Engineer for the county in which the work is to be performed.

The applicant shall submit plans and application form for all proposed installations in sufficient time to permit the department to review them and make any necessary studies.

The plans shall include detailed and complete information concerning the location of the work, the type pavement, the roadway geometrics and other facts about the highway.

The Resident Engineers are authorized to issue private entrance permits where work will be performed by state forces.

The District Engineers are authorized to issue commercial entrance permits (except outdoor theatres), permits for logging roads, median crossovers and permits for private entrances where a surety coverage is required. In some cases, commercial entrances may be installed with less than the minimum entrance design when the permit is approved by the District Engineer. In no case shall the required sight distance be waived. However, a

significant (i) increase of traffic in and out of the entrance or (ii) change in character of the traffic or peak hour volume may require upgrading reconstruction to the entrance. This language is not intended to be exclusive.

Inasmuch as permits cover not only the actual performance of work within the highway right-of-way, but also cover the subsequent maintenance, adjustment or removal of same, it is imperative that all permits shall be issued to owners or operators of the facilities or in cases where continuing bonds are required, permits may be issued jointly to the owner and his contractor (as agent). The central office shall maintain permanent records of all permits issued in district offices and the central office.

## § 1.3. Drive-in theatres.

Permit applications for entrances to drive-in theatres shall be submitted to the appropriate Resident Engineer. The District Engineer and District Traffic Engineer will review the permit application, forwarding the entire permit assembly with recommendations to the State Traffic Engineer for final approval with concurrence of the State Permit Engineer.

Supplementary to the usual sketch of the proposed entrance, a complete layout of the theatre parking area indicating the capacity of the parking area and the vehicle storage space shall be submitted. The sketch shall also denote sight distances from the entrances and the screen location.

Certain conditions, as set forth in Chapter 9, §§ 46.1-533 through 46.1-555, of Title 46.1 of the Code of Virginia shall first be met in order to construct entrances to drive-in theatres.

## PART II. REQUIREMENTS.

In the event that plans have been adopted which will ultimately change a highway, the permittee may be required to construct entrances which will be compatible with the ultimate plans. The determination as to whether the entrance will include curb and gutter shall be the responsibility of the District Engineer.

In counties which have ordinances or entrance standards which equal or exceed those of the Virginia Department of Transportation, then those of the county will apply.

The permittee will be required to supply sufficient information for the department to determine entrance design features to adequately serve the roadway facility as well as the proposed development. Detailed engineering plans and traffic analysis plans from a certified professional firm may be required by the department.

To insure the maximum efficiency of all commercial entrance designs, it is essential that certain general requirements be satisfied by each permittee. Consequently,

# Proposed Regulations

those interested in applying any individual designs shown herein should first familiarize themselves with the following prerequisites.

## § 2.1. Bonds, guarantee fee and irrevocable letter of credit.

Unless otherwise stated in the "Land Use Permit Manual," which is incorporated by reference and made a part of these regulations, a guarantee fee, irrevocable letter of credit or surety bond shall be required on all entrance permits issued.

A guarantee fee is a cash amount paid by the proposed permittee in advance of permit issuance to cover the performance of work within highway right-of-way. When work covered by the permittee is completed to the satisfaction of the Resident Engineer, the guarantee fee is refunded in its entirety to the permittee. Should the permittee fail to complete the work to the satisfaction of the Resident Engineer, then all or whatever portion of the guarantee fee that is required to complete work covered by permit or restore the right-of-way to its original condition shall be retained by the department.

All bonds prepared on Form MP-20 shall indicate what permit the bond is for and define what type of work the bond covers, giving permit number and whether it is a continuing bond or a performance bond. The estimated amount of the bond is the amount the resident engineer anticipates it will take to complete or restore the work should the permittee fail to do same.

An irrevocable letter of credit may be used in lieu of guarantee fee or performance bond. This letter of credit is furnished by a bank and is used to verify a line of credit that will be set aside to provide for coverage of work performed by the permittee or his agent in accordance with the approved permit. (For more information on permit charges, see the "Land Use Permit Manual," as incorporated in these regulations by reference, pages 1-16 through 1-26.)

## § 2.2. Construction.

To prevent undue interference with free traffic movements, entrance locations will be avoided within intersectional areas, traffic circles, railroad grade crossings, within interchanges or similar areas of traffic congestion. It is essential that entrances be designed to allow reasonably unimpeded traffic movements entering or exiting. Parking and storage spaces shall be located a reasonable distance from the entrance location to prevent interference with vehicles attempting to enter or exit the facility.

The type and depth of pavement shall be clearly indicated on the permit application. The pavement of entrances, turn lanes, and tapers shall be stable material which is at least comparable to the pavement of the adjacent roadway.

Curbing should be set inside the right-of-way line and should extend from the setback distance from the edge of pavement to the right-of-way line. Curbing will be required along the right-of-way line abutting parking areas and when parking areas abut curbing sections with sidewalk, parked vehicles will be kept a sufficient distance from the curbing by the use of parking bumpers, or other means, to prevent vehicle overhang over the sidewalk. The engineer will determine the need for additional curbing along the right-of-way to the adjacent property line.

Mountable curb (Standard CG-3 or CG-7) is required when constructed within the clear zone of a road posted for a speed limit greater than 40 MPH in rural areas and 45 MPH in urban and suburban areas.

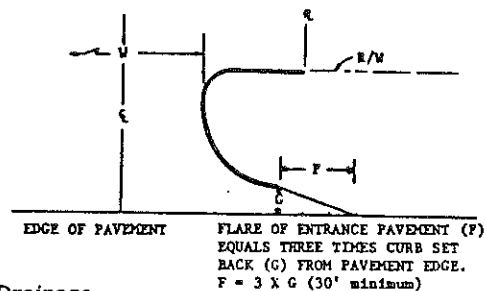
All curbing and entrance gutters used to construct commercial entrances shall be installed in accordance with the latest edition of the Virginia Department of Transportation's "Road and Bridge Standards."

## § 2.3. Flare of entrance pavement.

The flare of entrance pavement shall be such as to prevent vehicles entering and leaving an entrance from tracking the shoulder. For every foot of shoulder between entrance curb set back and pavement edge, at least three feet of flared pavement shall be provided as shown below in Figure 1.

Figure 1

Flare of Entrance Pavement



## § 2.4. Drainage.

Entrances are to be constructed so as not to impair drainage within the state's right-of-way, and so that surface water will drain from the state roadway.

The property owner or developer of commercial or industrial entrances or subdivision road entrances not in the secondary system shall be responsible for the entire construction of the entrance in accordance with provisions of the required permit.

Where deemed necessary by the engineer, copies of a complete drainage layout, based on a drainage study by a qualified engineer, will be furnished by the permittee, along with his plans. This layout will include the ultimate development and clearly shows how the permittee

proposes to handle the drainage and run-off from his development.

Pipe ends shall be reviewed independently by the engineer and grading or treatment at pipe ends shall be done in such a manner as to minimize any hazard the pipe end may present to an out of control vehicle.

## § 2.5. Crossovers.

Crossovers between the main through lanes will not be allowed or permitted at entrances being constructed under provisions of a permit unless determined necessary by the department and then only in accordance with the current policy on crossovers. This is subject to the final approval of the State Traffic Engineer and the State Location and Design Engineer for those crossovers that do not meet the requirements.

Those that meet the standards can be approved by the District Engineer.

Should it be determined by the department that a crossover is permissible, the permittee will be responsible for the entire cost and construction, including turn lanes as deemed necessary by the engineer. See Table 4 and Figure 4 for data pertaining to crossover grades and sight distance.

## § 2.6. Auxiliary lanes.

For permits to build an entrance along a divided roadway opposite an existing crossover, the department may require the permittee to construct a left-turn lane of sufficient dimensions or to lengthen an existing left-turn lane so as to satisfactorily serve the anticipated traffic to the proposed entrance.

A deceleration lane used for right-turn movements and storage of vehicles into proposed entrances will be required if determined necessary by the engineer. The following guidelines are to be used as an aid in selecting the appropriate treatment. (Reference material attained from Virginia Highway and Transportation Research Council report, "The Development of Criteria for the Treatment of Right Turn Movements on Rural Roads" dated March 1981, which is incorporated by reference in these regulations.)

Figures 2 and 3 in these regulations should be used to determine the proper treatment for right-turn movements at commercial entrances. The peak hour volume (PHV) of right-turning vehicles should be obtained from the developer. If the directional peak hour volume (PHV) of the main roadway is not known, then 11% of the main line ADT can be used. (Reference "Highway Capacity Manual," 1985, pages 7-18 and 7-19.) The traffic estimates should be checked against the generation figures given in Table 1. (See "Trip Generation at Special Sites" by the Virginia Highway and Transportation Research Council, pages 31 and 32, "Trip Generation" by the Institute of

Traffic Engineers (ITE), or any local volumes available.) The higher of the two shall govern. The aforementioned materials are incorporated by reference and made a part of these regulations.

The guidelines are differentiated on the basis of the number of lanes on the roadway for which an entrance is proposed. Figure 2 is referred to for two-lane roadways, while Figure 3 is used for multilane roadways; i.e., four or more lanes. All volumes refer to the volumes on the approach under consideration for right-turn treatments.

Figure 2 Guidelines for Two-Lane Roadways: The following adjustment is made for posted speeds at or under 45 MPH.

Adjusted PHV Right Turns equals PHV Right Turns minus 20 for PHV right turns greater than 40 and the PHV total less than 300.

This adjustment is made to treat local type roadways in an equitable manner since they would operate at lower speeds than a controlled divided type roadway.

A taper is recommended for a primary route except when the volume conditions require a full width turn lane or the percentage of right-turning vehicles makes up less than 10% of the total approach traffic. In the latter case, a radius is suggested.

Figure 3 Guidelines for Multilane Roadways: Multilane roadways tend to have a taper or full width turn lane to facilitate right-turn movements.

Other factors that influence the selection of a treatment for right-turn movements are sight distance, availability of right-of-way, grade, and angle of turn. Although these factors are not incorporated in the guidelines, they should be given consideration. These guidelines should be used unless the Engineer determines that special treatment is necessary due to other factors.

When only a taper is required by the guidelines, its width shall be of equal width of one of the approach lanes and its length shall be a minimum of 150 feet. In no case shall it be less than 10 feet in width.

When a full width right-turn lane is determined necessary by the Engineer, its minimum width shall be of equal width of one of the approach lanes; however, in no case shall it be less than 10 feet in width. The length of the full width turn lane shall be in accordance with deceleration lane standards. (See "A Policy on Geometric Design of Highways and Streets" 1984, pages 874 and 875.) The taper shall be a minimum of 150 feet.



# Proposed Regulations

FIGURE 2

Guidelines for Right Turn Treatments  
2 - Lane Highway

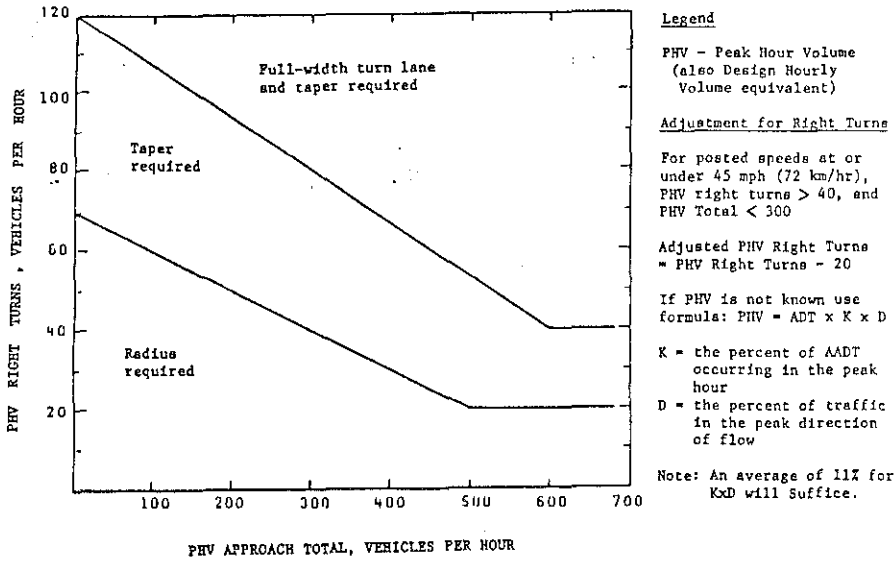


FIGURE 3

Guidelines for Right Turn Treatments  
4 - Lane Highway

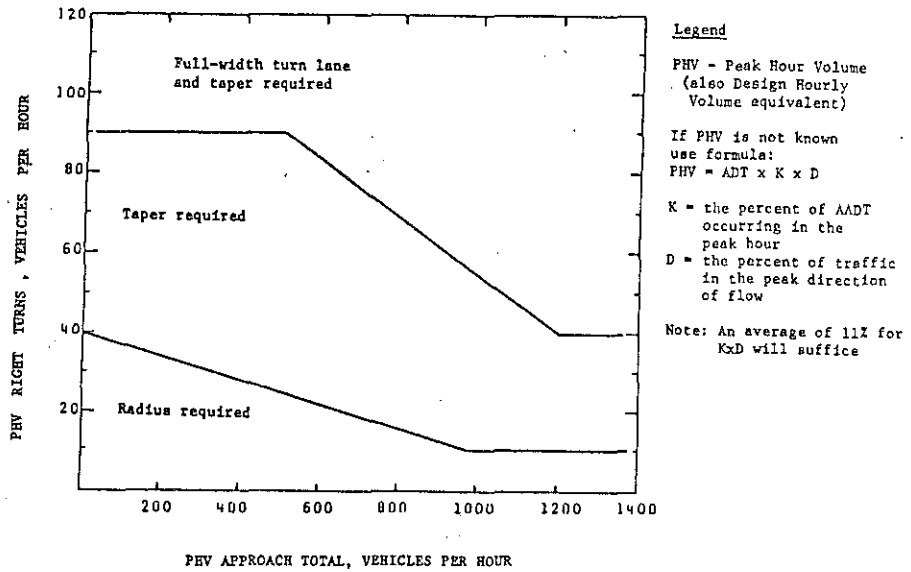


Table 1

Summary of Trip Rates

Land Use	Weekday Vehicle Trip Ends		
	Average Weekday	P.M. Peak Hour Generator	P.M. Peak Hour Adjacent St.
Fast-Food Restaurant with Drive-Thru Service	22/seat 51/employee 680/1,000 sq. ft. GFA	2.9/seat 6.7/employee 92/1,000 sq. ft. GFA	0.9/seat 2.0/employee 28/1,000 sq. ft. GFA
Convenience Market <sup>1,2</sup>	730/1,000 sq. ft. GFA	53/1,000 sq. ft. GFA	50/1,000 sq. ft. GFA
Condominium (all types) <sup>1</sup>	5.2/d.u.	0.5/d.u.	0.5/d.u.
Condominium (townhouse style with minimum or no transit service)	8.7/d.u.	0.9/d.u.	0.8/d.u.
Condominium (apartment style in high rise with good transit service)	4.2/d.u.	0.4/d.u.	0.4/d.u.
Drive-In Bank <sup>1</sup>	80/employee 290/1,000 sq. ft. GFA	12/employee 43/1,000 sq. ft. GFA	8.1/employee 31/1,000 sq. ft. GFA
High-Rise Apartment <sup>1</sup>	4.3/d.u.	0.4/d.u.	0.4/d.u.
PUD <sup>1</sup>	7.8/d.u.	0.7/d.u.	0.7/d.u.
Mobile Home Park <sup>1</sup>	5.0/d.u.	0.6/d.u.	0.6/d.u.
Day-Care Center	5.0/student <sup>3</sup> 33/employee 79/1,000 sq. ft. GFA	1.0/student <sup>3</sup> 6.6/employee 16/1,000 sq. ft. GFA	0.9/student <sup>3</sup> 6.0/employee 14/1,000 sq. ft. GFA
Church <sup>4</sup>	17/100 members 0.5/family 7.7/1,000 sq. ft. GFA	2.4/100 members 0.1/family 1.1/1,000 sq. ft. GFA	0.7/100 members 0.0/family 0.3/1,000 sq. ft. GFA
Suburban Motel <sup>1,5</sup> ("hotel" by ITE definition)	13/employee 11/occupied rm.	0.9/employee 0.9/occupied rm.	0.6/employee 0.7/occupied rm.
Post Office	3.8/p.o. lockbox	0.4/p.o. lockbox	0.3/p.o. lockbox
Post Office (Main) <sup>6</sup>	14/employee 41/1,000 sq. ft. GFA	1.2/employee 3.7/1,000 sq. ft. GFA	1.1/employee 3.3/1,000 sq. ft. GFA
Post Office (Branch) <sup>6</sup>	68/employee 340/1,000 sq. ft. GFA	7.2/employee 37/1,000 sq. ft. GFA	5.0/employee 26/1,000 sq. ft. GFA

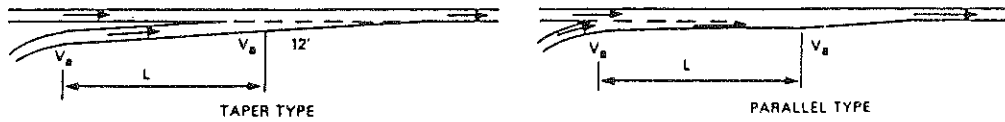
1. Rates are combination of rates reported by the ITE and those found in this study.
2. A.M. peak hour rates are 65 and 63 per 1,000 sq. ft. GFA for generator and adjacent street, respectively.
3. Average number of students attending.
4. Sunday trip rates are 68/100 members, 2.0/family, and 31/1,000 sq. ft. GFA; Sunday's peak-hour trip rates are 18/100 members, 0.5/family, and 8.3/1,000 sq. ft. GFA.
5. Limited data suggest a Saturday rate of 17/occupied room.
6. Based on limited data.

Note: 1,000 sq. ft. = 93 sq. m.

# Proposed Regulations

Table 2  
 Minimum acceleration lengths for entrance  
 terminals with grades of 2 percent or less.  
 ("A Policy on Geometric Design of Highways and  
 Streets", 1984, Page 1039)

Highway		Acceleration Length, L (ft)								
		For Entrance Curve Design Speed (mph)								
		Stop Condition	15	20	25	30	35	40	45	50
Design Speed (mph)	Speed Reached, $V_a$ (mph)	and Initial Speed, $V_i$ (mph)								
		0	14	18	22	26	30	36	40	44
30	23	190	-	-	-	-	-	-	-	-
40	31	360	320	260	220	140	-	-	-	-
50	39	760	700	630	580	500	380	160	-	-
60	47	1,170	1,120	1,070	1,000	910	800	590	400	170
70	53	1,590	1,540	1,500	1,410	1,330	1,230	1,010	830	580



NOTE: Uniform 50:1 to 70:1 tapers are recommended where lengths of acceleration lanes exceed 1,300 ft, where design speeds exceed 70 mph, or elsewhere if appropriate and space permits.

An acceleration land and/or taper from proposed entrances will be required if determined necessary by the Engineer and will be constructed in accordance with acceleration lane standards, as shown in Tables 2 and 3. (See "A Policy on Geometric Design of Highways and Streets" 1984, pages 1039 and 1043.)

Table 3

Design Speed of Highway (mph)	Length of Acceleration Lanes on Grade				
	Ratio of Length of Grade to Length of Level <sup>a</sup>				
	Design Speed of Turning Roadway Curve (mph)				
	20	30	40	50	All Speeds
	3 to 4 percent upgrade				3 to 4 percent downgrade
40	1.3	1.3	--	--	0.7
50	1.3	1.4	1.4	--	0.65
60	1.4	1.5	1.5	1.6	0.6
70	1.5	1.6	1.7	1.8	0.6
	5 percent upgrade				5 to 6 percent downgrade
40	1.5	1.5	--	--	0.6
50	1.5	1.7	1.9	--	0.55
60	1.7	1.9	2.2	2.5	0.5
70	2.0	2.2	2.6	3.0	0.5

Ratio of length of speed-change lanes on grade to length level acceleration lanes. ("A Policy on Geometric Design of Highways and Streets", 1984, Page 1043)

<sup>a</sup> Ratio from this table multiplies by length in Table 2 and gives length of speed change lane on grade.

§ 2.7. Facility for physically handicapped.

Ramps in curb sections to aid the physically handicapped shall be provided as established by the General Assembly of Virginia and covered under Title 15.1, Chapter 10, § 15.1-381 of the Code of Virginia. A standard drawing of the curb cut ramp (CG-12) is shown in the current edition of "Road and Bridge Standards" and in this manual.

§ 2.8. Sight distances. -

The entrances of commercial establishments shall be clearly visible to motorists traveling the highway, and the sight distance in both directions from the proposed entrance shall be denoted on the entrance application. Both the vertical alignment and the horizontal alignment can restrict the sight distance.

A target is mounted 4.25 feet above the proposed entrance grade 10 feet from the main line pavement edge. The target's offset position simulates the location of a motorist waiting to exit the entrance. The sight distance should be measured from a height of eye of 3.50 feet to the top of the target. For more information on sight distance, see "A Policy on Geometric Design of Highways and Streets" (1984), pages 774 through 800.

For more than four lanes on a major road, or for large truck or bus volumes using the entrance, the values in Figure IX-26, "A Policy on Geometric Design of Highways and Streets" (1984), page 791, also apply to an object

height of 4.25 feet.

Table 4.

Sight Distances Along Major Roads at Intersections with Minor Road and Crossovers and Commercial Entrances.

Height of Eye 3.5' Height of Object 4.25'

* Speed Limit	25	30	35	40	45	50	55
Two & Three Lane Road or Four Lane Divided Highways not at Crossovers	250	300	350	400	450	500	550
** Four Lane Undivided and Four Lane Divided Highways at Crossovers	300	350	425	475	525	600	650

\* Where the operating speed on the respective segment of highway is determined to be lower than the legal speed limit, and, in the judgment of the engineers, the operating speed will not create hazards for either a driver at a connection or on the major roadway and the legal speed limit cannot and, in all probability, will not be obtained in the foreseeable future as a result of improvement or reconstruction, the sight distance requirements for the operating speed may then be applied. The operating speed will be determined by a traffic engineering study at the location in question. In all cases when the operating speed is used in lieu of the speed limit, full documentation of its determination shall be attached to the permit assembly.

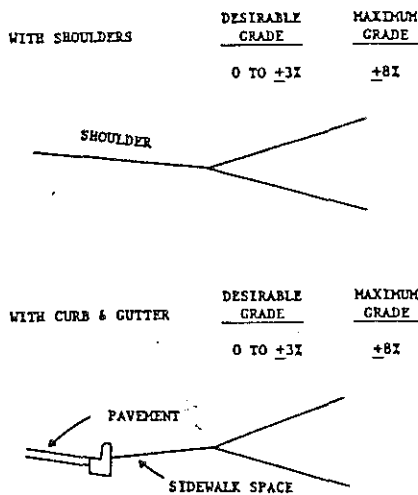
\*\* For median widths greater than 60 feet, each roadway can be considered as a separate two, three or four-lane roadway. (See "A Policy on Geometric Design of Highways and Streets" 1984, page 795.)

§ 2.9. Driveway profile.

When entering or exiting a driveway from a public street, a sudden change in the driveway grade will cause an operator of a vehicle to travel at an extremely low speed. For those entering a driveway, this greatly increases the possibility of a rear end collision. Therefore, to enhance safety for the traveling public, the desirable and maximum grades are provided in Figure 4. If a change in the driveway grade occurs, the profile shall be rounded by connecting the two different grades.

# Proposed Regulations

FIGURE 4  
Maximum Grades



## § 2.10. Responsibility for maintenance (commercial entrances).

Section 33.1-198 of the Code of Virginia places the responsibility on the property owner to maintain commercial entrances in a manner satisfactory to the department. However, to insure the safety of motorists and pedestrians and to promote effective drainage, portions of commercial entrances shall be maintained by the department, as described in the following and as shown in Figure 5:

### A. Entrances in curb and gutter sections.

If the department is responsible for maintenance of adjacent sidewalks, the department shall maintain the entrance to the back edge of the sidewalk. If there is no sidewalk, or if the department is not responsible for the maintenance of the sidewalk, the department shall maintain the entrance only to a line two feet behind the gutter line.

The property owner is responsible for the satisfactory maintenance of the remainder of the entrance.

### B. Entrances not in curb and gutter sections.

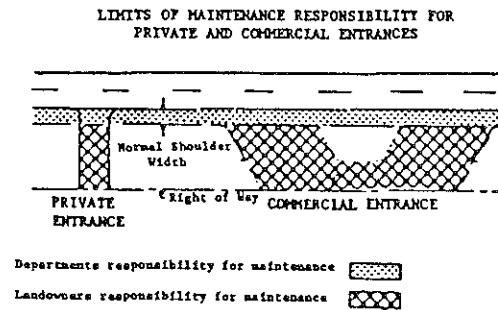
The department shall maintain that portion of the entrance between the edge of the pavement and the normal shoulder line. The property owner will be responsible for the satisfactory maintenance of the remainder of the entrance with the following exception:

When the department constructs the separation island as part of a road project or safety improvement measure,

the department is responsible for the maintenance of the island unless the right-of-way agreement designates the responsibility to the landowner.

Where commercial entrances are constructed under permit, the maintenance of the separation island is the responsibility of the property owner.

Figure 5



## § 2.11. Tenure of commercial entrances.

Tenure of all commercial entrances to highways is not infinite nor is it meant to be transferred from one owner to another. If it is determined by department representatives that an entrance is substandard and safety, use, or maintenance of the entrance have changed significantly to require corrections, then necessary changes shall be made or the entrance may be closed at the direction of the Commissioner or his representative. It should also be noted that once an entrance has been constructed, regardless of when, the permittee, or his successors or assignees, shall be responsible for the maintenance and upkeep of said entrance as stated above.

Commercial entrances may require reconstruction or upgrading or both when it has been determined after review by department representative that the following conditions exist:

### A. Safety.

When the entrance has been determined to be unsafe in its present condition for public use, because of physical erosion of the entrance, increase in motor vehicle traffic or some other condition.

### B. Use.

When traffic in and out of the entrance has changed significantly, such as a change in traffic volume, character of the traffic or peak hour traffic. This language is not intended to be exclusive.

### C. Maintenance.

When the entrance becomes unserviceable due to heavy

equipment damage, reclamation by natural causes, or increased traffic volume.

Commercial entrances shall be reviewed periodically for substandard conditions; when the property is being considered for sale; when it has been rezoned; or when there is a change in commercial use either by the property owner or by the lease. Department personnel shall work closely with the various local and county governments to protect the department's interest and the interest of the traveling public through zoning ordinances for commercial, subdivision and private entrance requirements, and to obtain their assistance in policying changes in ownership that might affect the department's requirements for the entrances. These periodic reviews are necessary to provide both patron and through highway traffic users a safe means of travel.

## § 2.12. Developer participation in traffic signal cost.

The following guidelines have been developed in an effort to obtain an equitable method of determining developer responsibility for participation in funding traffic signal work necessitated by land development:

1. Where the proposed development will generate sufficient traffic to warrant signalization, the total cost for design, materials, timing plans, and installation shall be borne by the developer.
2. Where development generated traffic and existing highway traffic must be combined to justify signalization, the developer shall bear 50% of the total cost for design, materials, timing plans, and installation.
3. Where an existing traffic signal must be modified to accommodate traffic movements to or from the development, the developer shall bear the total cost for any design materials, timing plans, installation, and relocation required to accommodate the development traffic.

For larger developments, such as regional shopping centers and corporate complexes, the department reserves the right to require that the developer design or have designed the traffic signal, including timing plans, and to install or have installed a complete working installation. Designs and installations shall be in accordance with the current departmental specifications and standards and approved by the engineer.

## § 2.13. Authorization (private entrances).

The Commonwealth Transportation Board is authorized to control and regulate entrances to improved highways by the Code of Virginia under § 33.1-197 (private entrances).

## § 2.14. Drainage (private entrance).

The property owner constructing a new private entrance shall furnish the necessary size pipe which meets the specifications of the Virginia Department of Transportation. The department will lay the pipe on the proper grade for drainage. No grading of the entrance will be performed by the department.

## § 2.15. Responsibility for maintenance (private entrance).

The department is responsible for the maintenance of that portion of the entrance within the normal shoulder as shown in Figure 5. The property owner is responsible for the maintenance of the remainder of the entrance except that the Resident Engineer, at his discretion, may periodically add stabilization stone to that portion of the entrance on the right-of-way. The department is not responsible for any maintenance on hard surfaced entrances beyond the normal shoulder line.

For specific information concerning private entrances and public road connections, reference should be made to the department's current "Subdivision Street Requirements" - Secondary Roads Division, "Land Use Permit Manual" - Maintenance Division, and to "Road and Bridge Standards" - Location and Design Division. This information is available in the residency and district offices.

In a curb and gutter section with sidewalk where the department is responsible for the maintenance of the sidewalk, the department is responsible for the maintenance of entrances to the back edge of the sidewalk.

In a curb and gutter section without sidewalk or where the department is not responsible for the maintenance of the sidewalk, the department shall maintain the entrance only to a line two feet behind the gutter line.

## § 2.16. Crossover grades.

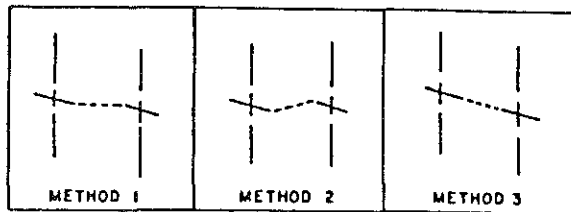
On divided highways with depressed medians, there are generally three methods by which superelevation is determined for the opposing traffic lanes.

One method is for the median pavement edges to be held at the same or close to the same elevation. A second method is for each center line elevation to be approximately the same with a corresponding difference in elevation of the median pavement edges. The third method is for the superlevation of all lanes to be obtained along a single plane. Thus, the grade of the lane on the outside of the curve is higher than the inside lane. The various methods are illustrated in Figure 6 below:

# Proposed Regulations

Figure 6

Determining Superelevation



The designer is to study the requirements of each particular situation. In the case of a facility without crossovers, the first method is generally desirable on superelevated curves. This will allow the median area to be properly graded without creating an adverse design situation.

Method 2 generally results in an undesirable situation and shall be used with caution.

In a case where a crossover is proposed, particularly in conjunction with a connecting road within the limits of superelevated curve, the designer shall pay particular attention to the path which must be traversed by vehicles using the crossover.

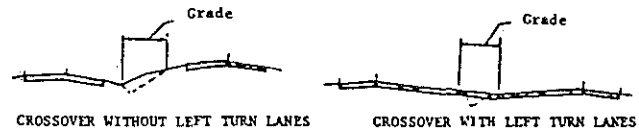
In most cases, the application of the superelevation in a single plane (Method 3) is the desired method. This will allow a vehicle to cross from one lane to the other without negotiating several different gradients. As noted herein, this will require the adjustment of the main line grades.

The desirable grade on a crossover is between 0.5% and 5.0%. The maximum grade should never exceed 10% as safe turning movements above this level are difficult. It is especially important at locations such as truck stops and other businesses generating large vehicular traffic, where crossover grades fall in the category of less than 5.0%. A desirable maximum algebraic difference of a crossover crown line is 4.0% or 5.0%, but it may be as high as 8.0% at locations where there are few trucks or school buses and low speeds. Additionally, sight distances must be checked for values shown in table for "Sight Distances along Major Roads at Intersections with Minor Road and Crossovers and Commercial Entrances" (see Table 4). Any deviation from these values is to be approved by the District Engineer. However, sight distances shall not be deviated from.

The grade on a crossover is measured from the edge of shoulder to the edge of shoulder, unless left-turn lanes are provided, in which case, the grade is applied from the edge of pavement of the left-turn lane to the edge of pavement of the opposite left-turn lane. This is more clearly shown in the following Figure 7:

Figure 7

Determination of Grade on a Crossover



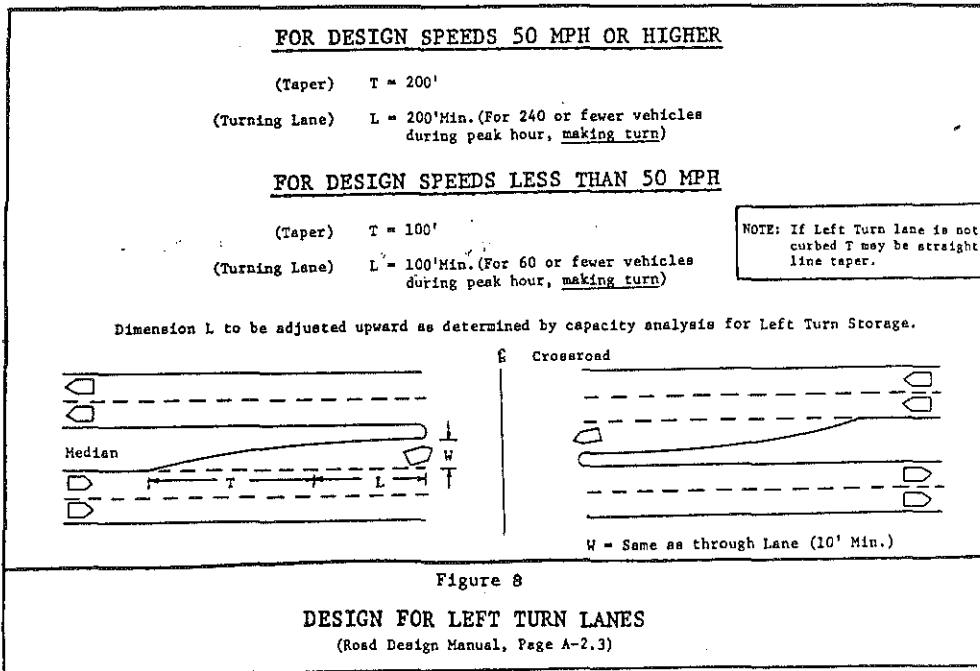
## § 2.17. Intersecting crossroad grades.

The grade of a connecting facility must be carefully studied when approaching an intersection where the main line is superelevated. A smooth grade tie-in is desirable, with sufficient area on a relatively flat grade for a vehicle to stop before entering the main roadway. Also, when a connection is on the outside of a superelevated curve, the grade shall be designed so that the connection is visible to a driver on the outside of a superelevated curve, the grade shall be designed so that the connection is visible to a driver on the main roadway desiring to turn onto the connection.

Every attempt shall be made to provide an adequate area for this vehicular stoppage, giving full consideration to the horizontal and vertical sight distances.

The desirable tie-in is one that is no steeper than the pavement cross slope whether this is superelevated or the normal crown. The maximum difference between the pavement cross slope and the approach road grade should not exceed 8.0% at stop intersections, or 4.0% at continuous movement intersections. The stoppage area should be a minimum of 50 feet before beginning the steeper grade. (See "A Policy on Geometric Design of Highways and Streets," 1984, pages 726 and 727.)

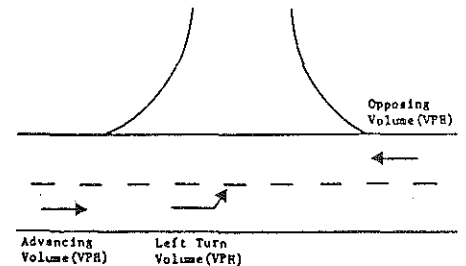
As a general policy left turn lanes are to be provided in the design of all median crossovers on nonaccess controlled divided highways using controls as shown in Figure 6.



Left-turn lanes should also be established on two-lane highways where traffic volumes are high enough to warrant them in accordance with the guidelines shown below. In case of a double left turn, a capacity analysis of the intersection should be performed to determine what traffic controls are necessary, such as signalization and separate phasing.

(VPH) Opposing Volume	Advancing Volume (VPH)			
	5% Left Turns	10% Left Turns	20% Left Turns	30% Left Turns
40-mph Operating Speed				
800	330	240	190	160
600	410	305	225	200
400	510	380	275	245
200	640	470	350	305
100	720	575	390	340
50-mph Operating Speed				
800	280	210	165	135
600	350	260	195	170
400	430	320	240	210
200	550	400	300	270
100	615	445	335	295
60-mph Operating Speed				
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240

Table 5  
Warrants for left-turn lanes on two-lane highways.  
("A Policy on Geometric Design of Highways and  
Streets", 1984, Page 823)



**Example:**  
Two-lane highway with 40 mph operating speed

Opposing Volume (VPH) = 600  
Advancing Volume (VPH) = 440  
\*Left Turn Volume (VPH) = 44 or 10% of Advancing Volume

With opposing volume (VPH) of 600 and 10% of advancing volume (VPH) making left turns, an advancing volume (VPH) of 305 or more will warrant a left turn lane.

\*Left turn volume to be obtained from developer



# Proposed Regulations

---

PART III  
LOCATION OF OFFICES AT WHICH  
PERMITS MAY BE OBTAINED

LOCATION OF OFFICES AT WHICH PERMITS MAY BE OBTAINED

Residency Offices are listed below. District Offices are located in or near the cities bearing the District name.

BRISTOL DISTRICT

(Residency Office)

Wise	Wise & Dickenson
Abingdon	Washington & Smyth
Lebanon	Russell & Buchanan
Tazewell	Tazewell & Bland
Wytheville	Wythe & Grayson
Jonesville	Lee & Scott

SALEM DISTRICT

Hillsville	Carroll & Floyd
Christiansburg	Montgomery, Giles & Pulaski
Martinsville	Henry & Patrick
Rocky Mount	Franklin
Salem	Craig, Roanoke & Botetourt
Bedford	Bedford

LYNCHBURG DISTRICT

Chatham	Pittsylvania
Halifax	Halifax & Charlotte
Dillwyn	Buckingham, Cumberland & Prince Edward

Appomattox	Appomattox & Campbell
Amherst	Amherst & Nelson

RICHMOND DISTRICT (COLONIAL HEIGHTS)

South Hill	Brunswick & Mecklenburg
Amelia	Amelia, Nottoway & Lunenburg
Petersburg	Dinwiddie & Prince George
Chesterfield	Chesterfield & Powhatan
Sandston	Charles City, Henrico & New Kent
Ashland	Goochland & Hanover

SUFFOLK DISTRICT

(Residency Office)

Franklin	Greensville & Southampton
Waverly	Surry & Sussex
Norfolk	Cities: Norfolk, Virginia Beach, Chesapeake & Portsmouth
Williamsburg	James City & York
	Cities: Poquoson, Williamsburg, Newport News & Hampton

Suffolk  
Accomac

Isle of Wight & City of Suffolk  
Accomack & Northampton

FREDERICKSBURG DISTRICT

Saluda	King & Queen, Gloucester, Middlesex & Mathews
Warsaw	Richmond, Lancaster, Northumberland & Westmoreland

Fredericksburg

Spotsylvania, Stafford & King George  
Caroline, Essex & King William

Bowling Green

CULPEPER DISTRICT

Louisa	Fluvanna & Louisa
Charlottesville	Albemarle & Greene
Culpeper	Culpeper, Orange & Madison
Warrenton	Fauquier & Rappahannock

STAUNTON DISTRICT

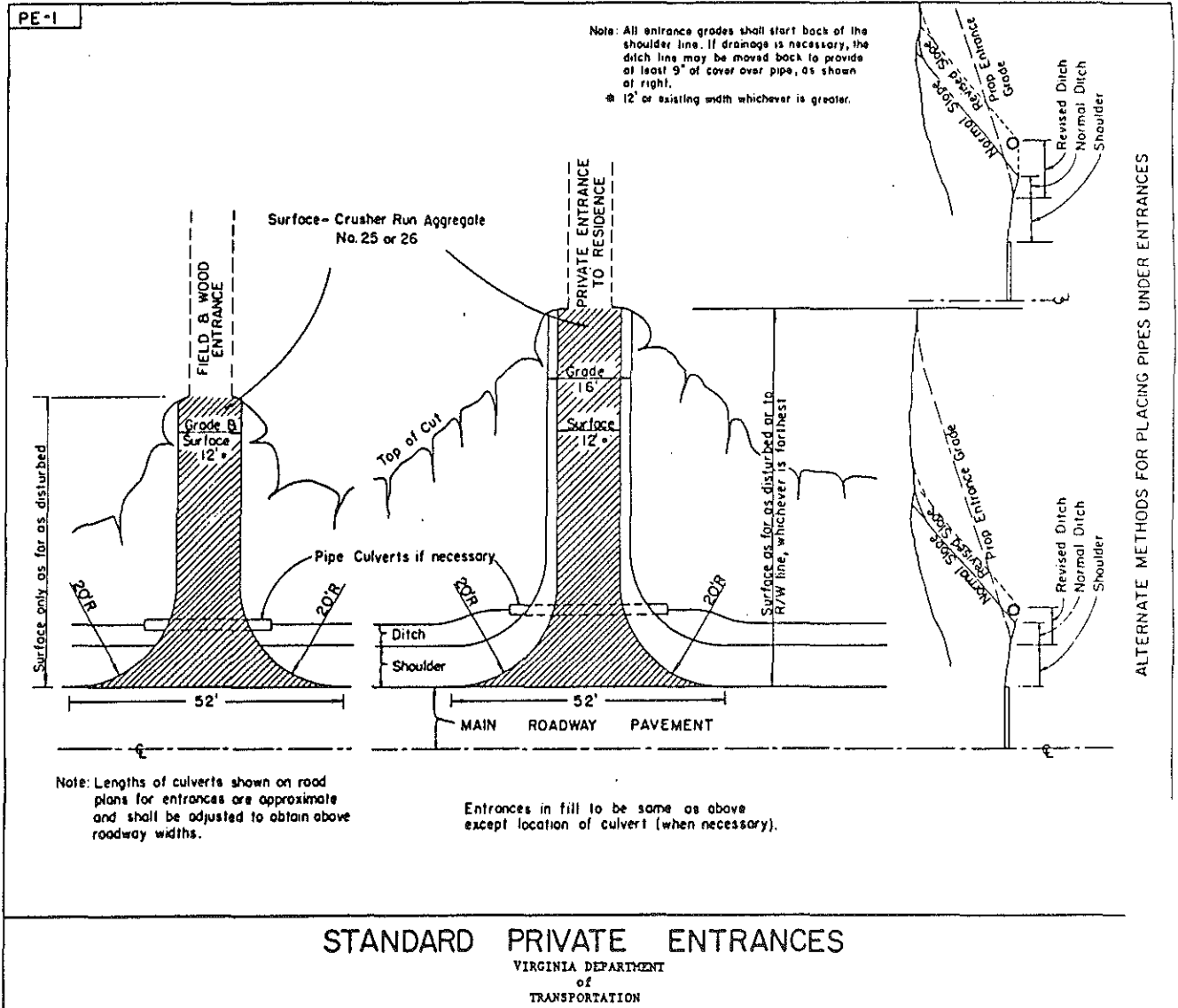
Lexington	Alleghany, Rockbridge & Bath
Staunton	Augusta & Highland
Harrisonburg	Rockingham
Edinburg	Frederick & Shenandoah
Luray	Clarke, Page & Warren

NORTHERN VIRGINIA DISTRICT (FAIRFAX)

Fairfax	Fairfax & Arlington
Manassas	Prince William
Leesburg	Loudoun

## PART IV

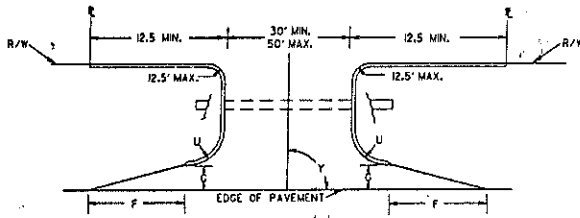
### COMMERCIAL ENTRANCE DESIGN ILLUSTRATIONS



# Proposed Regulations

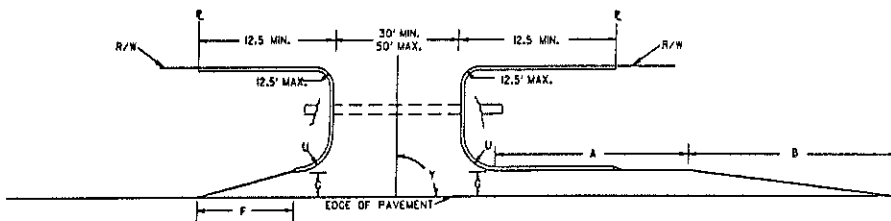
## COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

### SINGLE TWO-WAY ENTRANCE



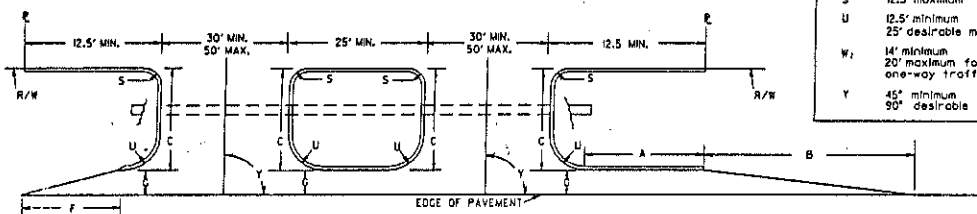
LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
F	30' minimum
C	Equal width of one approach lane with a minimum of 10'
U	12.5' minimum 25' desirable minimum
Y	45' minimum 90' desirable

### SINGLE TWO-WAY ENTRANCE WITH RIGHT TURN LANE AND TAPER



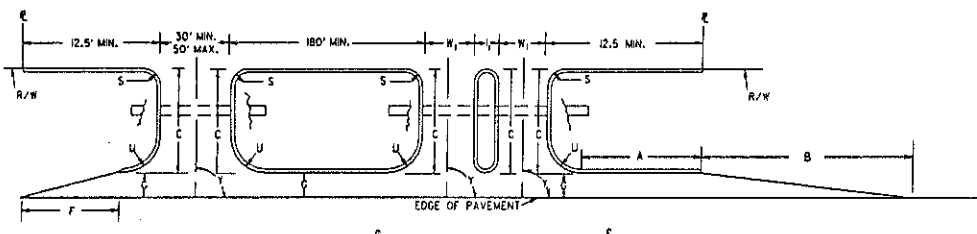
## COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

### MULTIPLE ENTRANCES WITH RIGHT TURN LANE AND TAPER



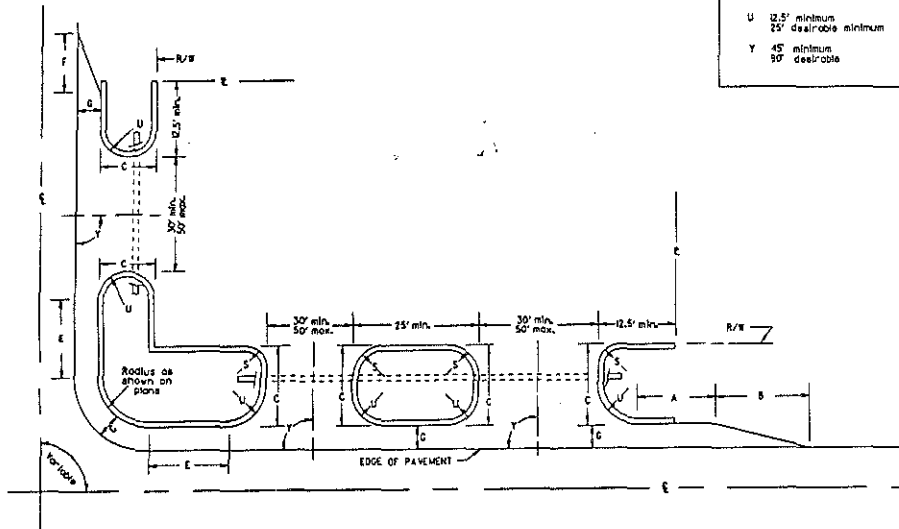
LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
F	30' minimum
G	Equal width of one approach lane with a minimum of 10'
U	12.5' minimum 25' desirable minimum
Y	45' minimum 90' desirable
S	12.5' maximum
W <sub>1</sub>	14' minimum 20' maximum for one-way traffic

### SHOPPING CENTER ENTRANCES



## COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

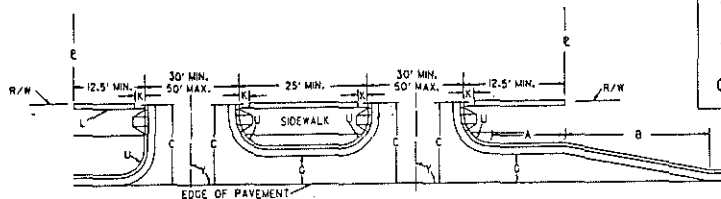
### MULTIPLE ENTRANCES AT INTERSECTIONS



LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
E	50' minimum - along undivided highway 60' minimum - along divided highway
F	30' minimum
G	Equal width of one approach lane with a minimum of 10'
S	12.5' maximum
U	12.5' minimum 25' desirable minimum
Y	45' minimum 90' desirable

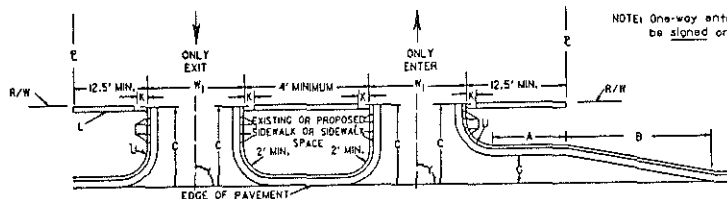
## COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

### MULTIPLE ENTRANCES WITH RIGHT TURN LANE AND TAPER



LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
G	Equal width of one approach lane with a minimum of 10'
K	4' maximum
L	6" (5' d. curbing) 4" (5' d. mountable curbing)
U	12.5' minimum 25' desirable minimum
W	14' minimum 20' maximum for one-way traffic
Y	45' minimum 90' desirable
△	Curb Cut Ramp CC-12

### TWO ONE-WAY ENTRANCES WITH RIGHT TURN LANE AND TAPER




NOTE: One-way entrances must be signed one-way

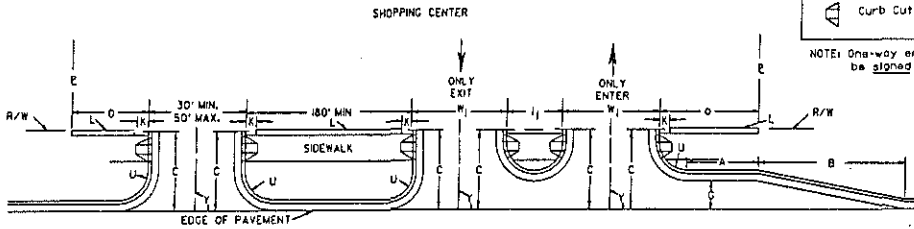
# Proposed Regulations

## COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES WITH RIGHT TURN LANES  
AND TAPER FOR SHOPPING CENTER ENTRANCES


LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
G	Equal width of one approach lane with a minimum of 10'
I <sub>1</sub>	4' minimum
K	4' maximum
L	6' (Standard curbing) 4' (Standard mountable curbing)
D	12.5' minimum
U	12.5' minimum 25' desirable minimum
W <sub>1</sub>	14' minimum 20' maximum for one-way traffic
Y	45° minimum 90° desirable
	Curb Cut Ramp CG-12

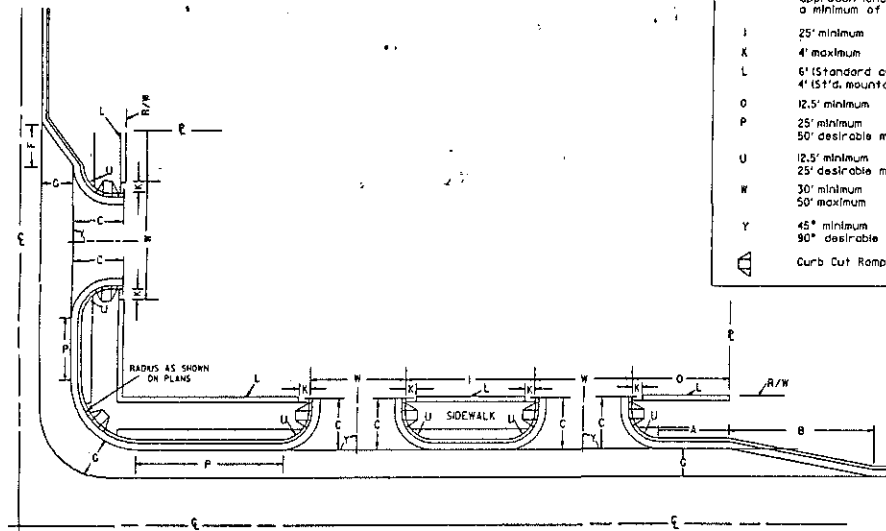
NOTE: One-way entrances must be signed one-way




## COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES AT INTERSECTION  
WITH RIGHT TURN LANE AND TAPER

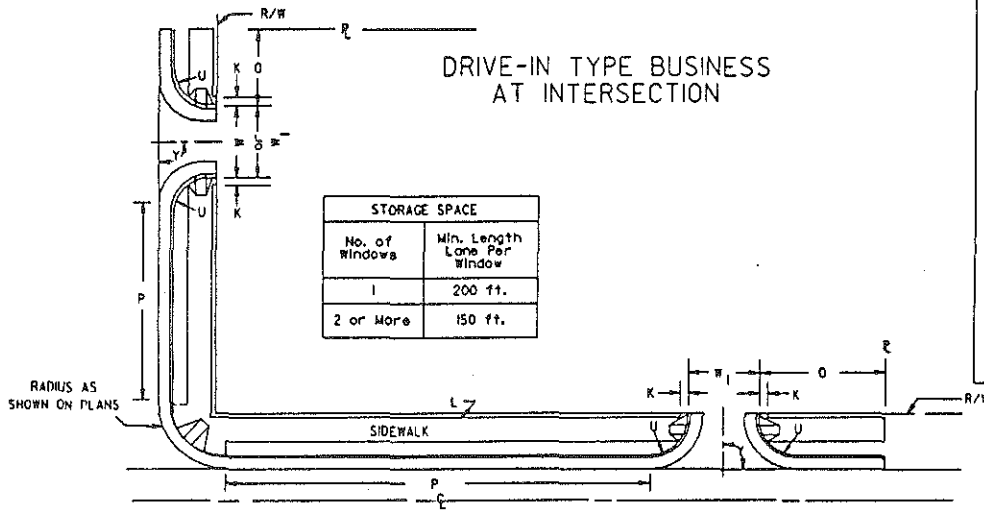
LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
F	30' minimum
G	Equal width of one approach lane with a minimum of 10'
I	25' minimum
K	4' maximum
L	6' (Standard curbing) 4' (Std. mountable curbing)
O	12.5' minimum
P	25' minimum 50' desirable minimum
U	12.5' minimum 25' desirable minimum
W	30' minimum 50' maximum
Y	45° minimum 90° desirable
	Curb Cut Ramp CG-12



COMMERCIAL ENTRANCE DESIGNS TO SERVE DRIVE-IN TYPE BUSINESSES SUCH AS DRIVE-IN BANKS, FAST FOOD RESTURANTS, SERVICE STATIONS, AND CAR WASHES WITH ONE WAY TRAFFIC ENTERING AND/OR EXITING MAJOR HIGHWAY

LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	Equal width of one approach lane with a minimum of 10'
I	25' minimum
K	4' maximum
L	6" (Standard Curbing) 4" (Standard Mountable Curbing)
O	12.5' minimum
P	25' minimum 50' desirable minimum
U	12.5' minimum 25' desirable minimum
W	30' minimum 50' maximum
W <sub>1</sub>	14' minimum 20' maximum for one-way traffic
Y	45' minimum 90' desirable
	Curb Cut Ramp CG-12

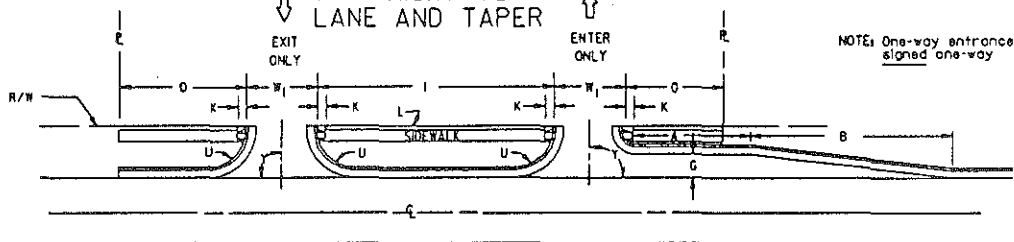
DRIVE-IN TYPE BUSINESS AT INTERSECTION



Minimum distance from gasoline pump to R/W line for Service Station	
Pump Island to Pavement Edge	Distance
Parallel	12 ft.
1° to 45°	20 ft.
46° to 90°	30 ft.

DRIVE-IN TYPE BUSINESS MID BLOCK WITH RIGHT TURN LANE AND TAPER

STORAGE SPACE	
No. of Windows	Min. Length Lane Per Window
1	200 ft.
2 or More	150 ft.

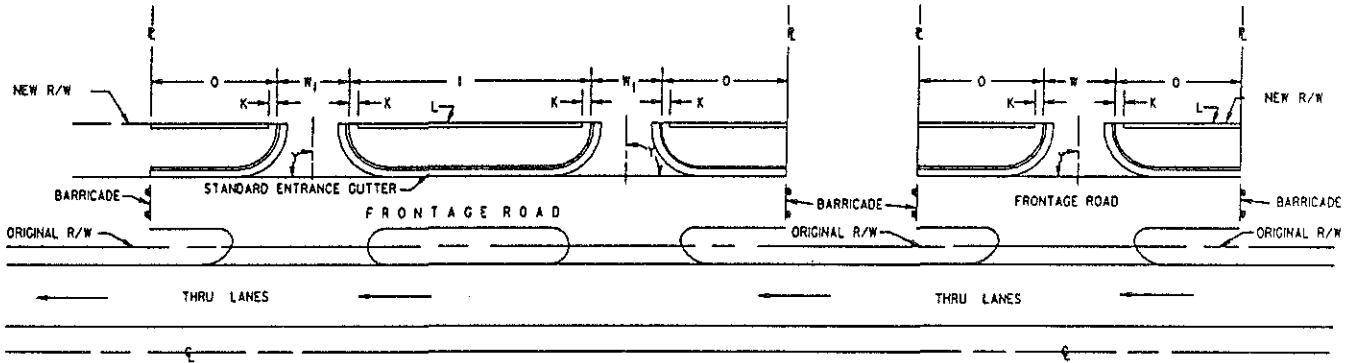


# Proposed Regulations

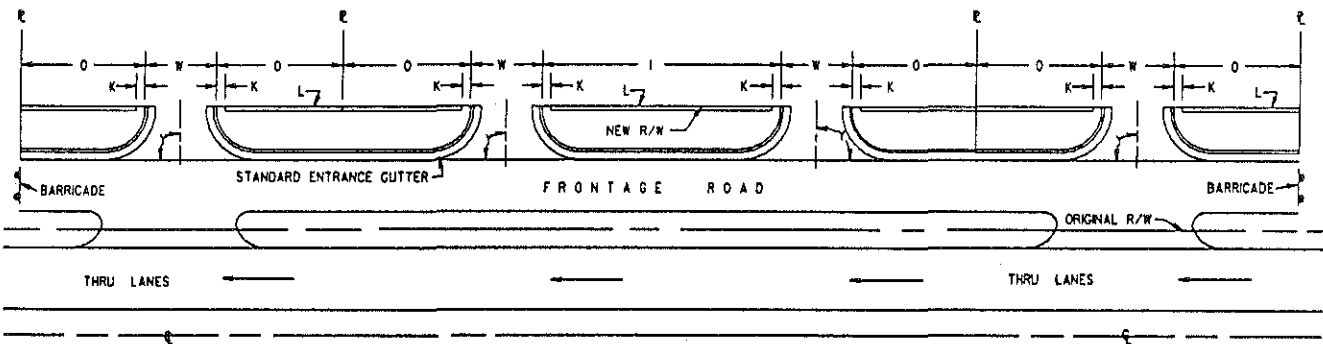
## DEVELOPMENT OF FRONTAGE ROAD AND COMMERCIAL ENTRANCES SHOWING CONTROL OF ACCESS TO MAJOR HIGHWAY

LETTER SYMBOL	DIMENSIONS
I	25' minimum
K	4' maximum
L	6' (Standard Curbing) 4' (Standard Mountable Curbing)
O	12.5' minimum
W	30' minimum 50' maximum
Y	45' minimum 90' desirable

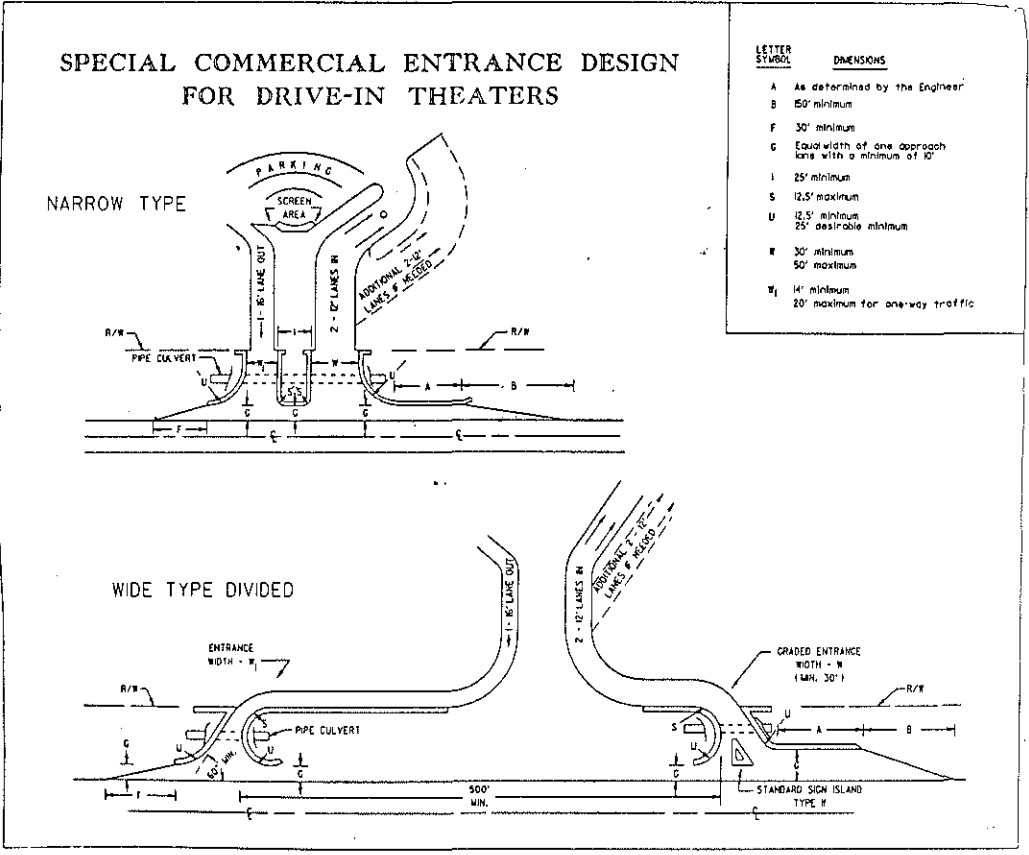
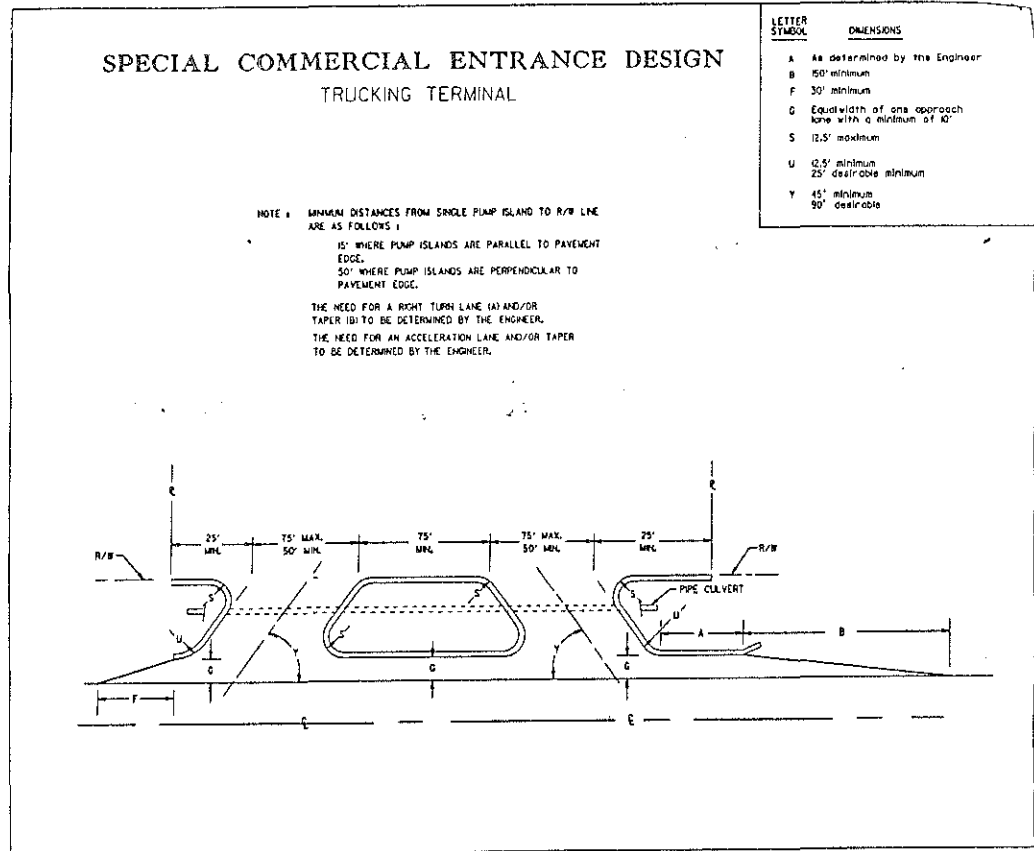
### ROADSIDE PARTIALLY DEVELOPED



### ROADSIDE DEVELOPED WITH CONTINUOUS FRONTAGE ROAD

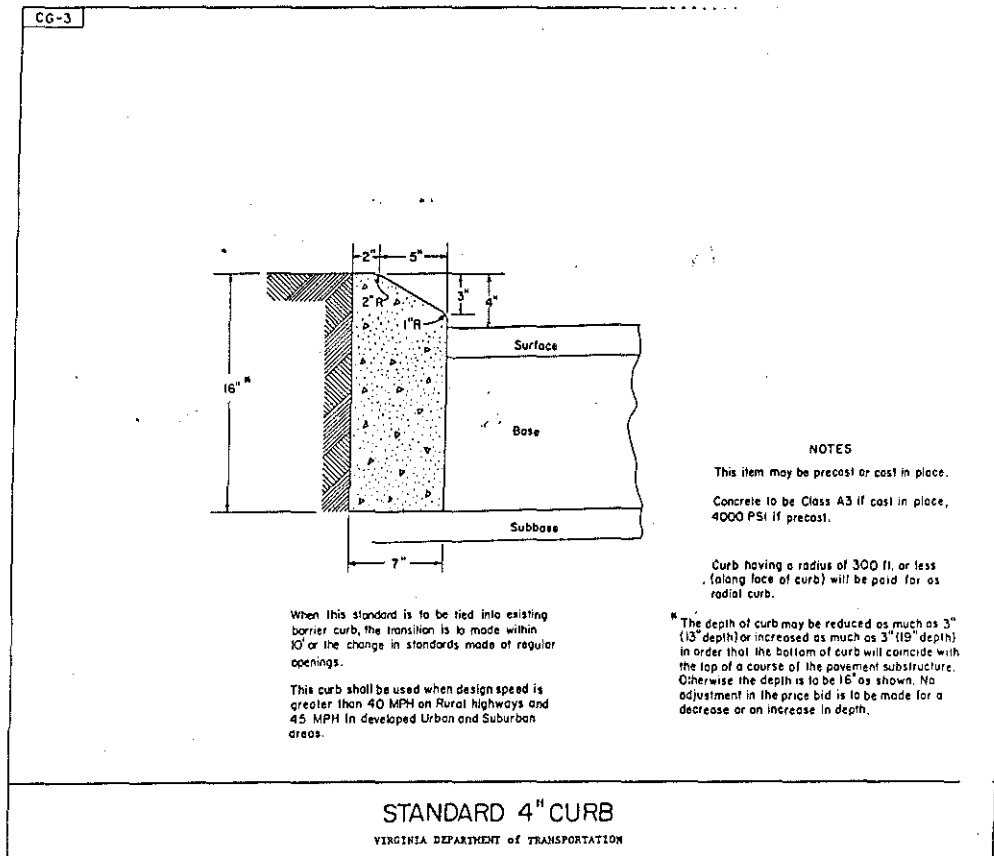
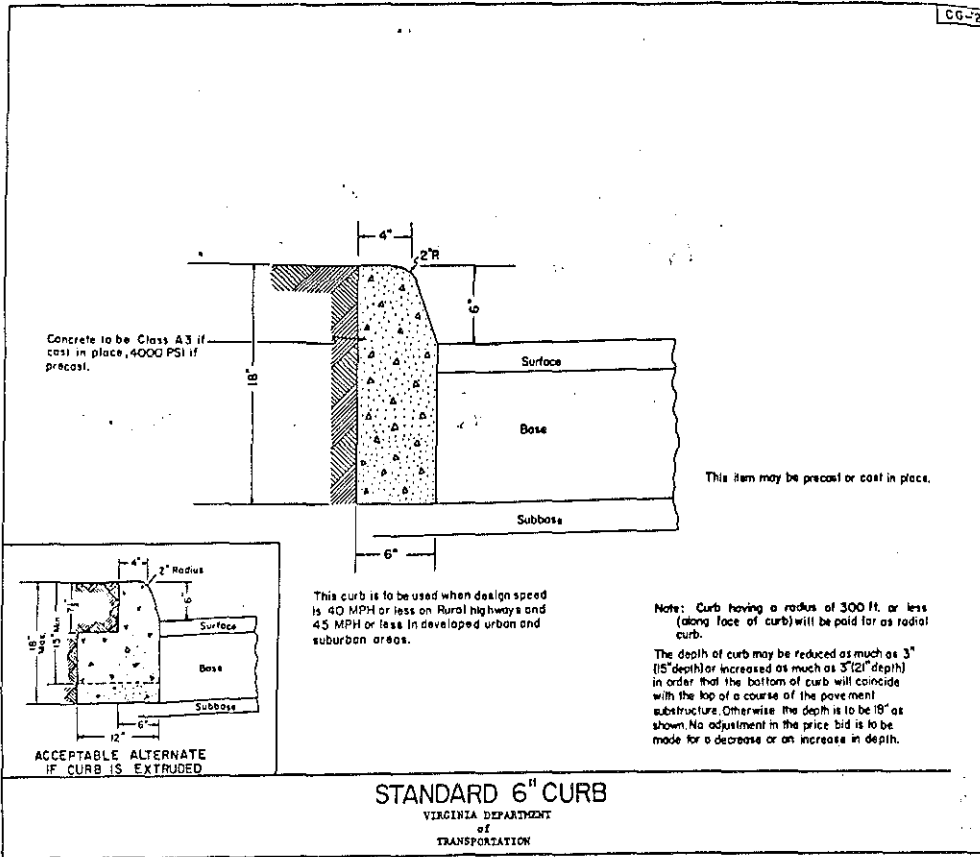


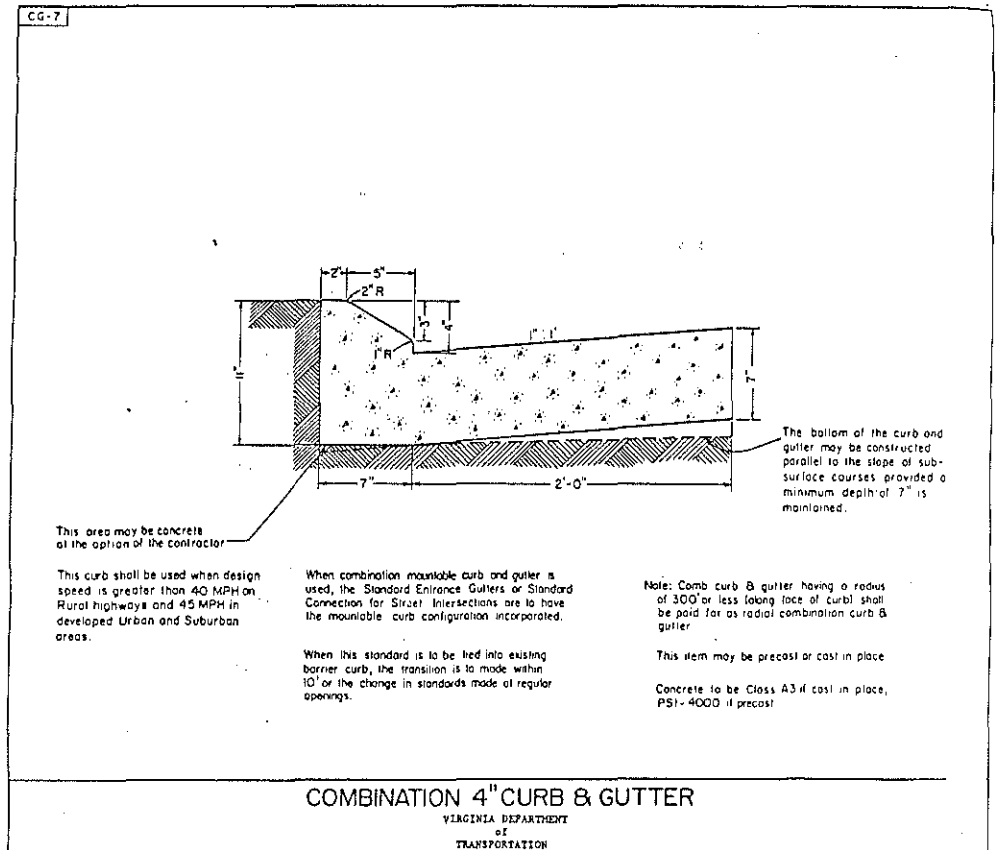
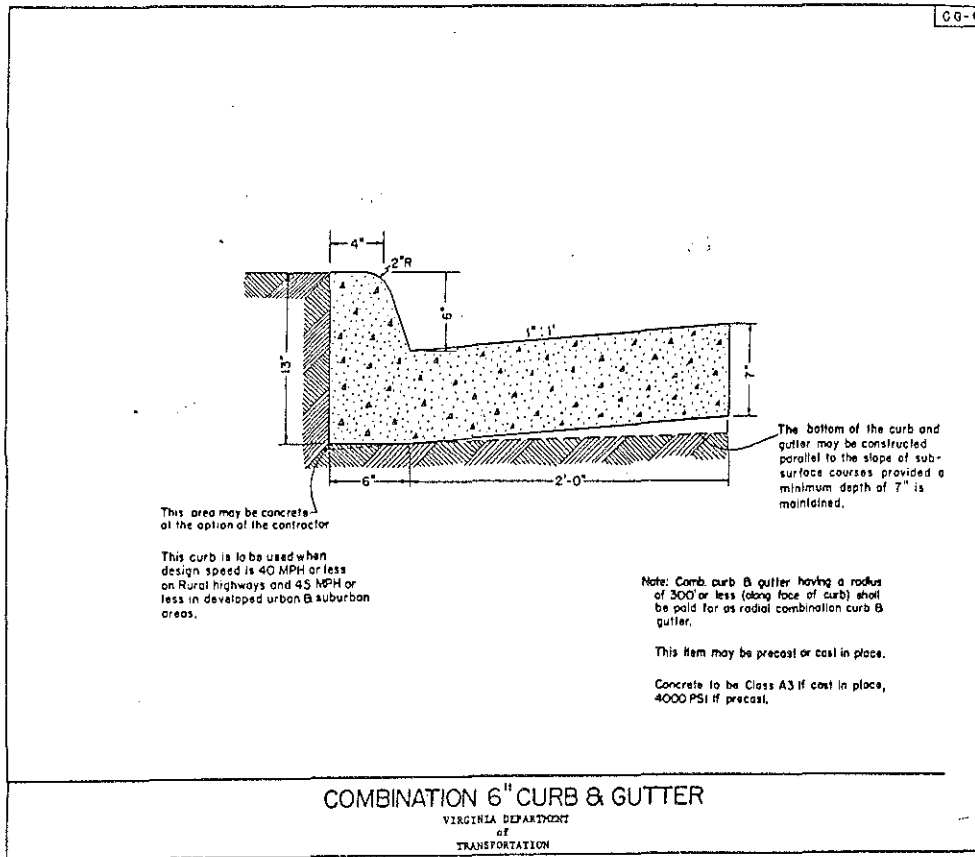
Page 57 of 71



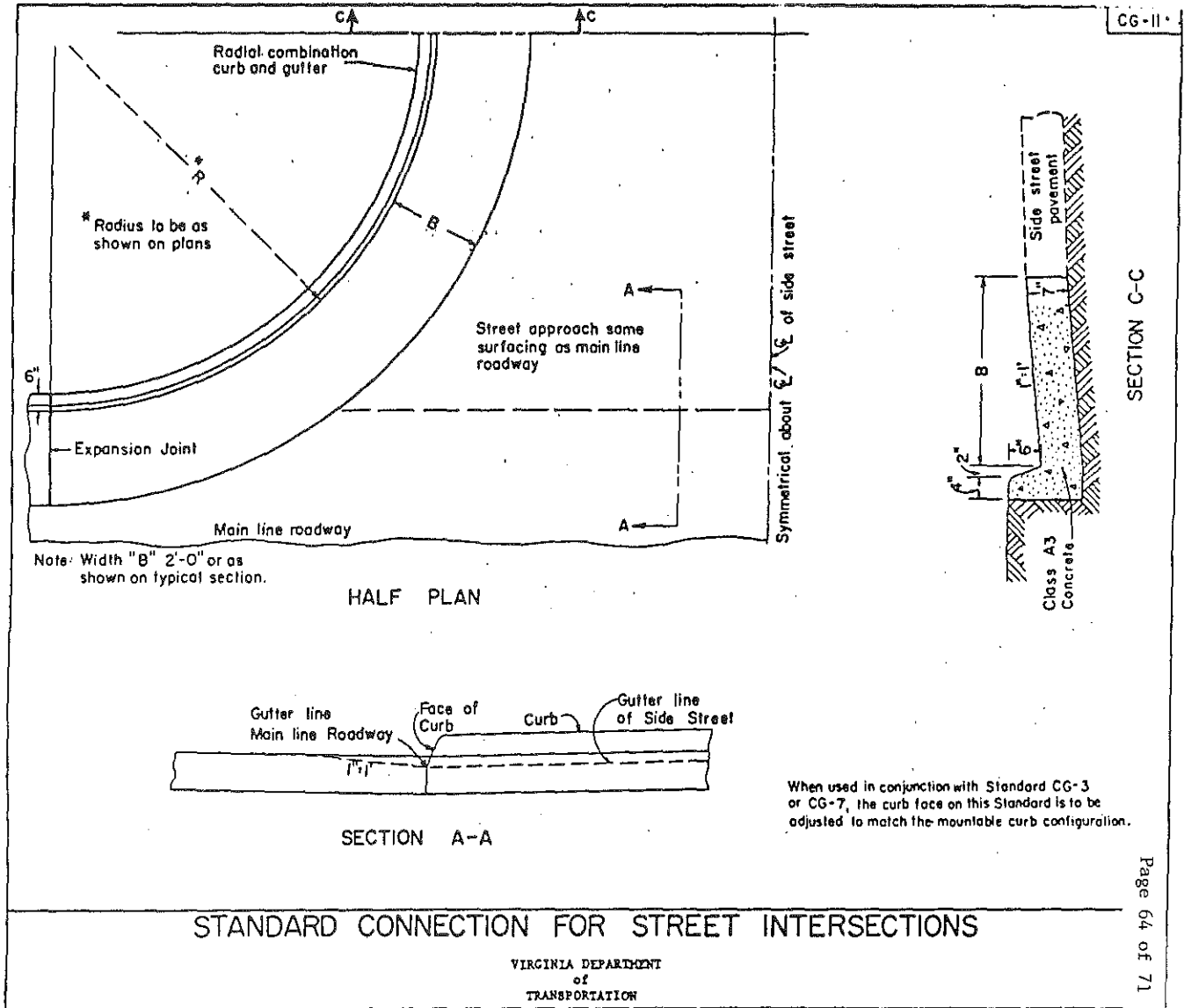


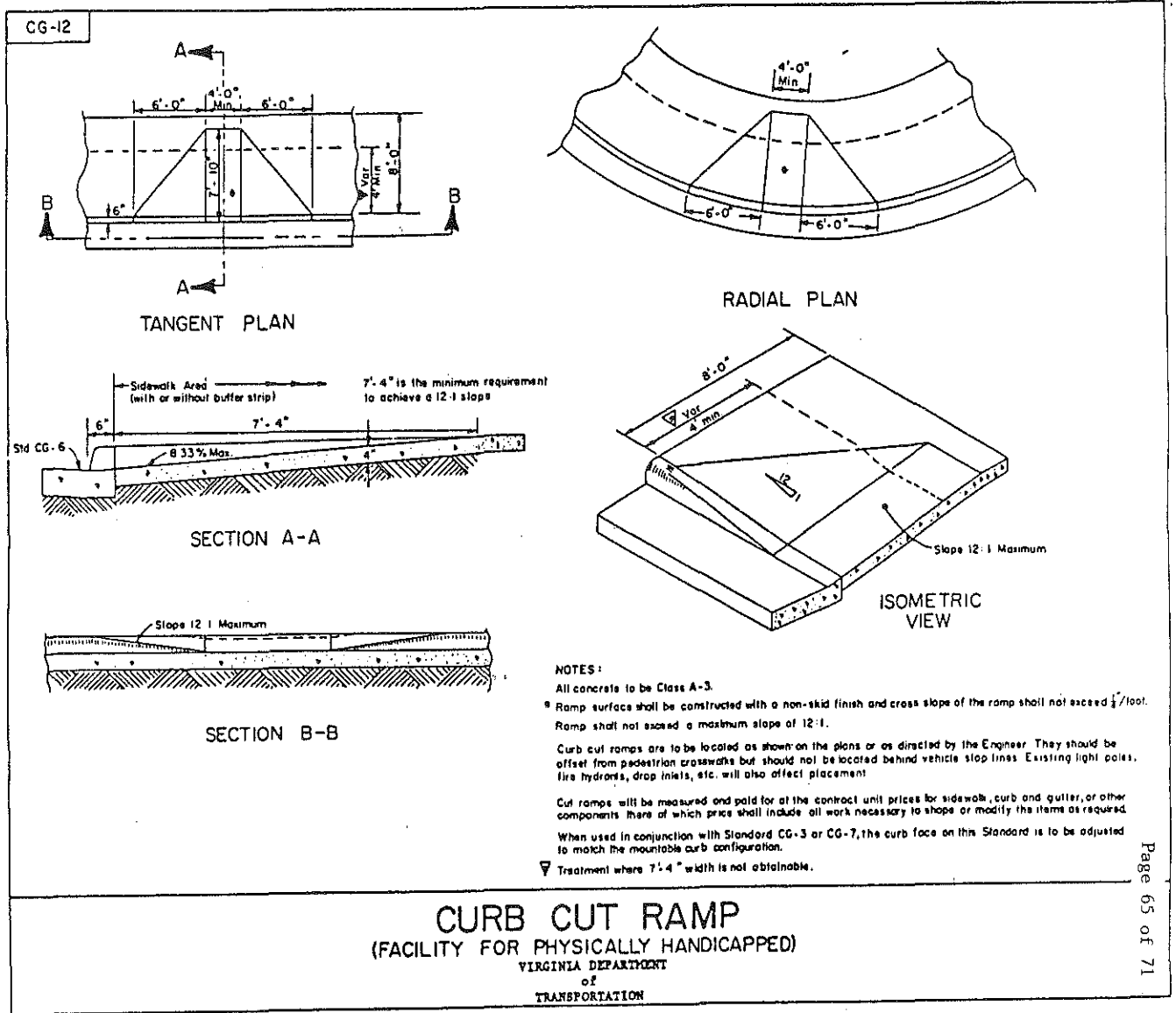
# Proposed Regulations





# Proposed Regulations





Page 65 of 71

PART V

APPENDIX

A - Algebraic Difference of Grades in Percent	When S > L; S = $\frac{1598}{A} + \frac{L}{2}$																				When S < L; S = $56.57\sqrt{\frac{L}{A}}$																				S - Sight Distance in Feet																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
	L - Length of Vertical Curve in Feet																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
1/2	1	1 1/2	2	2 1/2	3	3 1/2	4	4 1/2	5	5 1/2	6	6 1/2	7	7 1/2	8	8 1/2	9	9 1/2	10	10 1/2	11	11 1/2	12	12 1/2	13	13 1/2	14	14 1/2	15	15 1/2	16	16 1/2	17	17 1/2	18	18 1/2	19	19 1/2	20	CL	A																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
0.2	324	349	374	399	424	449	474	499	524	549	574	599	624	649	674	699	724	749	774	799	824	849	874	899	924	949	974	999	1024	1049	1074	1099	1124	1149	1174	1199	1224	1249	1274	1299	1324	1349	1374	1399	1424	1449	1474	1499	1524	1549	1574	1599	1624	1649	1674	1699	1724	1749	1774	1799	1824	1849	1874	1899	1924	1949	1974	1999	2024	2049	2074	2099	2124	2149	2174	2199	2224	2249	2274	2299	2324	2349	2374	2399	2424	2449	2474	2499	2524	2549	2574	2599	2624	2649	2674	2699	2724	2749	2774	2799	2824	2849	2874	2899	2924	2949	2974	2999	3024	3049	3074	3099	3124	3149	3174	3199	3224	3249	3274	3299	3324	3349	3374	3399	3424	3449	3474	3499	3524	3549	3574	3599	3624	3649	3674	3699	3724	3749	3774	3799	3824	3849	3874	3899	3924	3949	3974	3999	4024	4049	4074	4099	4124	4149	4174	4199	4224	4249	4274	4299	4324	4349	4374	4399	4424	4449	4474	4499	4524	4549	4574	4599	4624	4649	4674	4699	4724	4749	4774	4799	4824	4849	4874	4899	4924	4949	4974	4999	5024	5049	5074	5099	5124	5149	5174	5199	5224	5249	5274	5299	5324	5349	5374	5399	5424	5449	5474	5499	5524	5549	5574	5599	5624	5649	5674	5699	5724	5749	5774	5799	5824	5849	5874	5899	5924	5949	5974	5999	6024	6049	6074	6099	6124	6149	6174	6199	6224	6249	6274	6299	6324	6349	6374	6399	6424	6449	6474	6499	6524	6549	6574	6599	6624	6649	6674	6699	6724	6749	6774	6799	6824	6849	6874	6899	6924	6949	6974	6999	7024	7049	7074	7099	7124	7149	7174	7199	7224	7249	7274	7299	7324	7349	7374	7399	7424	7449	7474	7499	7524	7549	7574	7599	7624	7649	7674	7699	7724	7749	7774	7799	7824	7849	7874	7899	7924	7949	7974	7999	8024	8049	8074	8099	8124	8149	8174	8199	8224	8249	8274	8299	8324	8349	8374	8399	8424	8449	8474	8499	8524	8549	8574	8599	8624	8649	8674	8699	8724	8749	8774	8799	8824	8849	8874	8899	8924	8949	8974	8999	9024	9049	9074	9099	9124	9149	9174	9199	9224	9249	9274	9299	9324	9349	9374	9399	9424	9449	9474	9499	9524	9549	9574	9599	9624	9649	9674	9699	9724	9749	9774	9799	9824	9849	9874	9899	9924	9949	9974	9999	10024	10049	10074	10099	10124	10149	10174	10199	10224	10249	10274	10299	10324	10349	10374	10399	10424	10449	10474	10499	10524	10549	10574	10599	10624	10649	10674	10699	10724	10749	10774	10799	10824	10849	10874	10899	10924	10949	10974	10999	11024	11049	11074	11099	11124	11149	11174	11199	11224	11249	11274	11299	11324	11349	11374	11399	11424	11449	11474	11499	11524	11549	11574	11599	11624	11649	11674	11699	11724	11749	11774	11799	11824	11849	11874	11899	11924	11949	11974	11999	12024	12049	12074	12099	12124	12149	12174	12199	12224	12249	12274	12299	12324	12349	12374	12399	12424	12449	12474	12499	12524	12549	12574	12599	12624	12649	12674	12699	12724	12749	12774	12799	12824	12849	12874	12899	12924	12949	12974	12999	13024	13049	13074	13099	13124	13149	13174	13199	13224	13249	13274	13299	13324	13349	13374	13399	13424	13449	13474	13499	13524	13549	13574	13599	13624	13649	13674	13699	13724	13749	13774	13799	13824	13849	13874	13899	13924	13949	13974	13999	14024	14049	14074	14099	14124	14149	14174	14199	14224	14249	14274	14299	14324	14349	14374	14399	14424	14449	14474	14499	14524	14549	14574	14599	14624	14649	14674	14699	14724	14749	14774	14799	14824	14849	14874	14899	14924	14949	14974	14999	15024	15049	15074	15099	15124	15149	15174	15199	15224	15249	15274	15299	15324	15349	15374	15399	15424	15449	15474	15499	15524	15549	15574	15599	15624	15649	15674	15699	15724	15749	15774	15799	15824	15849	15874	15899	15924	15949	15974	15999	16024	16049	16074	16099	16124	16149	16174	16199	16224	16249	16274	16299	16324	16349	16374	16399	16424	16449	16474	16499	16524	16549	16574	16599	16624	16649	16674	16699	16724	16749	16774	16799	16824	16849	16874	16899	16924	16949	16974	16999	17024	17049	17074	17099	17124	17149	17174	17199	17224	17249	17274	17299	17324	17349	17374	17399	17424	17449	17474	17499	17524	17549	17574	17599	17624	17649	17674	17699	17724	17749	17774	17799	17824	17849	17874	17899	17924	17949	17974	17999	18024	18049	18074	18099	18124	18149	18174	18199	18224	18249	18274	18299	18324	18349	18374	18399	18424	18449	18474	18499	18524	18549	18574	18599	18624	18649	18674	18699	18724	18749	18774	18799	18824	18849	18874	18899	18924	18949	18974	18999	19024	19049	19074	19099	19124	19149	19174	19199	19224	19249	19274	19299	19324	19349	19374	19399	19424	19449	19474	19499	19524	19549	19574	19599	19624	19649	19674	19699	19724	19749	19774	19799	19824	19849	19874	19899	19924	19949	19974	19999	20024	20049	20074	20099	20124	20149	20174	20199	20224	20249	20274	20299	20324	20349	20374	20399	20424	20449	20474	20499	20524	20549	20574	20599	20624	20649	20674	20699	20724	20749	20774	20799	20824	20849	20874	20899	20924	20949	20974	20999	21024	21049	21074	21099	21124	21149	21174	21199	21224	21249	21274	21299	21324	21349	21374	21399	21424	21449	21474	21499	21524	21549	21574	21599	21624	21649	21674	21699	21724	21749	21774	21799	21824	21849	21874	21899	21924	21949	21974	21999	22024	22049	22074	22099	22124	22149	22174	22199	22224	22249	22274	22299	22324	22349	22374	22399	22424	22449	22474	22499	22524	22549	22574	22599	22624	22649	22674	22699	22724	22749	22774	22799	22824	22849	22874	22899	22924	22949	22974	22999	23024	23049	23074	23099	23124	23149	23174	23199	23224	23249	23274	23299	23324	23349	23374	23399	23424	23449	23474	23499	23524	23549	23574	23599	23624	23649	23674	23699	23724	23749	23774	23799	23824	23849	23874	23899	23924	23949	23974	23999	24024	24049	24074	24099	24124	24149	24174	24199	24224	24249	24274	24299	24324	24349	24374	24399	24424	24449	24474	24499	24524	24549	24574	24599	24624	24649	24674	24699	24724	24749	24774	24799	24824	24849	24874	24899	24924	24949	24974	24999	25024	25049	25074	25099	25124	25149	25174	25199	25224	25249	25274	25299	25324	25349	25374	25399	25424	25449	25474	25499	25524	25549	25574	25599	25624	25649	25674	25699	25724	25749	25774	25799	25824	25849	25874	25899	25924	25949	25974	25999	26024	26049	26074	26099	26124	26149	26174	26199	26224	26249	26274	26299	26324	26349	26374	26399	26424	26449	26474	26499	26524	26549	26574	26599	26624	26649	26674	26699	26724	26749	26774	26799	26824	26849	26874	26899	26924	26949	26974	26999	27024	27049	27074	27099	27124	27149	27174	27199	27224	27249	27274	27299	27324	27349	27374	27399	27424	27449	27474	27499	27524	27549	27574	27599	27624	27649	27674	27699	2

A - Algebraic Difference of Grades in Percent		L - Length of Vertical Curve in Feet																				A - Algebraic Difference of Grades in Percent						
		1050	1100	1150	1200	1250	1300	1350	1400	1450	1500	1550	1600	1650	1700	1750	1800	1850	1900	1950	2000							
1324	1349	1374	1399	1424	1449	1474	1499	1524	1549	1574	1599	1624	1649	1673	1698	1723	1748	1773	1798	1823	1848	1873	1898	1923	1948	1973	1998	2023
1164	1189	1214	1239	1264	1289	1314	1338	1362	1385	1408	1430	1453	1474	1495	1517	1538	1559	1579	1599	1619	1639	1659	1679	1699	1719	1739	1759	1779
1058	1083	1107	1131	1154	1177	1199	1221	1243	1264	1285	1305	1326	1346	1365	1385	1404	1423	1442	1460	1479	1497	1515	1533	1551	1569	1587	1605	1623
973	1002	1025	1047	1069	1090	1110	1131	1151	1171	1190	1209	1228	1246	1264	1282	1300	1317	1335	1352	1369	1386	1403	1420	1437	1454	1471	1488	1505
916	938	959	979	1000	1019	1039	1058	1077	1095	1113	1131	1148	1166	1183	1199	1216	1232	1249	1264	1280	1296	1312	1328	1344	1360	1376	1392	1408
864	884	904	923	942	961	979	997	1015	1032	1049	1066	1083	1099	1115	1131	1146	1162	1177	1192	1208	1223	1238	1253	1268	1283	1298	1313	1328
819	839	857	876	894	912	929	946	963	979	996	1011	1027	1043	1058	1073	1088	1103	1118	1133	1148	1163	1178	1193	1208	1223	1238	1253	1268
781	800	818	835	852	869	885	902	918	934	949	964	979	994	1009	1023	1037	1051	1065	1079	1093	1107	1121	1135	1149	1163	1177	1191	1205
743	766	783	800	816	832	848	864	879	894	909	923	938	952	966	979	993	1006	1019	1032	1045	1058	1071	1084	1097	1110	1123	1136	1149
719	736	752	768	784	800	815	830	844	859	873	887	901	914	928	941	954	967	979	992	1004	1016	1028	1040	1052	1064	1076	1088	1100
692	709	725	740	755	771	785	800	814	828	841	855	868	881	894	907	919	932	944	956	968	980	992	1004	1016	1028	1040	1052	1064
669	685	700	715	730	744	759	772	786	800	813	826	839	851	864	876	888	900	912	923	935	947	959	971	983	995	1007	1019	1031
648	663	678	692	707	721	734	748	761	774	787	799	812	824	836	848	860	871	883	894	905	916	927	938	949	960	971	982	993
628	643	658	672	686	699	713	726	739	751	764	776	788	800	811	822	834	845	856	867	878	889	900	911	922	933	944	955	966
611	625	639	653	666	680	692	705	718	730	742	754	766	777	788	800	811	822	834	845	856	867	878	889	900	911	922	933	944
594	608	622	635	649	661	674	686	699	710	722	734	745	756	767	778	789	800	810	820	831	841	851	861	871	881	891	901	911
579	593	606	619	632	645	657	669	681	692	704	715	726	737	748	759	769	779	789	799	809	819	829	839	849	859	869	879	889
565	579	592	604	617	629	641	653	664	676	687	698	709	719	730	740	751	761	771	780	790	800	810	820	830	840	850	860	870
552	565	578	591	603	615	626	638	649	660	671	682	692	703	713	723	733	743	753	763	773	783	793	803	813	823	833	843	853
540	553	565	578	589	601	613	624	635	646	656	667	677	687	697	707	717	727	736	746	756	766	776	786	796	806	816	826	836
529	541	554	565	577	589	600	611	622	632	643	653	663	673	683	693	702	711	721	730	740	750	760	770	780	790	800	810	820
518	530	542	554	565	577	588	598	609	619	630	640	650	659	669	679	688	697	706	715	725	735	745	755	765	775	785	795	805
508	520	532	543	554	565	576	587	597	607	617	627	637	647	656	665	674	684	693	702	711	721	731	741	751	761	771	781	791
499	510	522	533	544	555	565	576	586	596	606	616	625	634	644	653	662	671	680	689	698	707	716	725	734	743	752	761	770
490	501	512	523	534	545	555	565	575	585	595	604	614	623	633	642	651	660	669	678	687	696	705	714	723	732	741	750	759
481	492	504	514	525	535	546	556	565	575	585	594	603	612	621	630	639	648	657	666	675	684	693	702	711	720	729	738	747
473	484	495	506	516	526	536	546	556	565	574	583	592	601	610	619	628	637	646	655	664	673	682	691	700	709	718	727	736
465	476	487	497	508	518	528	537	547	556	565	574	583	592	601	610	619	628	637	646	655	664	673	682	691	700	709	718	727
458	469	479	490	500	510	519	529	538	547	557	565	574	583	591	600	609	618	626	635	644	653	662	671	680	689	698	707	716
451	462	472	482	492	502	511	521	530	539	548	557	565	574	582	591	600	609	618	626	635	644	653	662	671	680	689	698	707
444	455	465	475	485	494	504	513	522	531	540	549	557	565	574	582	590	599	608	616	625	634	643	652	661	670	679	688	697
438	448	458	468	478	487	497	506	515	523	532	541	549	557	565	573	581	589	597	605	614	623	632	641	650	659	667	676	685
432	442	452	462	471	481	490	499	507	516	525	533	541	549	558	565	573	581	589	597	605	614	623	632	641	650	659	667	676
426	436	446	455	465	474	483	492	501	509	518	526	534	542	550	558	565	573	581	589	597	605	614	623	632	641	650	659	667
420	430	440	449	459	468	477	485	494	502	511	519	527	535	543	550	558	565	573	581	589	597	605	614	623	632	641	650	659
415	425	434	444	453	462	470	479	488	496	504	512	520	528	536	543	551	558	565	573	581	589	597	605	614	623	632	641	650
410	419	429	438	447	456	465	473	481	490	498	506	514	521	529	536	544	551	558	565	573	581	589	597	605	614	623	632	641

**SIGHT DISTANCE ON VERTICAL CURVES**  
 HEIGHT OF EYE 3.50 FEET    HEIGHT OF OBJECT 4.25 FEET  
 ENTRANCES, LEFT TURN LANES AND CROSSOVERS  
 VIRGINIA DEPARTMENT OF TRANSPORTATION

Highway Entrance Permit Application Date -----  
Commonwealth of Virginia  
Land Use Permit Section  
1221 East Broad Street Richmond Virginia 23219  
Phone (804) 786-4271

-2-

1. \_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City State Zip Code

2. Phone Number ( ) \_\_\_\_\_  
Type of Permit Residential  
Commercial

Evaluation Basis for Permit No: \_\_\_\_\_  
VDR&T Fee: \$ \_\_\_\_\_  
Inspection: \$ \_\_\_\_\_  
Total Due: \$ \_\_\_\_\_  
Amount of Performance Bond Required: \$ \_\_\_\_\_  
Approved by: \_\_\_\_\_  
Title: \_\_\_\_\_

Location  
(1) Location and/or provide a drawing showing the exact location of your property in relation to the highway(s) to which you are requesting entrance access.  
My property fronts on highway Route(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Design plans are attached yes no

Land Use

(3) Entrance will serve a Single Family Residence  
Commercial Business  
Temporary Entrance  
to vacant land  
(undeveloped)  
no buildings

(4) Have you applied for jurisdiction zoning and Land Use approvals from the county where applicable?  
yes no

(5) Business Information  
Do not complete business section if single residence!  
Describe the type of business operation to be engaged:  
\_\_\_\_\_  
\_\_\_\_\_

(6) Size of land parcel is being developed is \_\_\_\_\_ acres or \_\_\_\_\_ square feet.

(7) Size of building(s) in square feet is \_\_\_\_\_ or \_\_\_\_\_ acres.

(8) Size of parking lot in \_\_\_\_\_ acres or \_\_\_\_\_ square feet number of spaces \_\_\_\_\_.

(9) Number of business employees working at this facility is \_\_\_\_\_.

(10) Number of daily patrons to facility is projected to be \_\_\_\_\_.

(11) Total number of vehicles per hour generation is projected to be \_\_\_\_\_ VPH.

Geographical Conditions at Point of Entrance

- (12) The speed limit on the highway(s) to be entered is \_\_\_\_\_ MPH.
- (13) The "sight distances" to the left and to the right of the proposed entrance as will be observed by a seated automobile driver is as follows: Right vision is \_\_\_\_\_ feet  
Left vision is \_\_\_\_\_ feet
- (14) Can sight distances be improved?    yes    no  
If "yes", please explain methodology(s) \_\_\_\_\_  
\_\_\_\_\_
- (15) Is the fronting highway divided by a median or undivided/
- (16) If "divided", what is the location of the nearest "crossover" in each direction \_\_\_\_\_
- (17) Does the fronting highway have curb and gutters    yes    no

Construction

- (18) Estimated cost of entrance construction is projected to be \$ \_\_\_\_\_

VDH&T Reviewers Evaluation of Request

- (19) Permit be issued    yes    no  
If denied, describe basic facts for decision \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (20) If approved, amount of bond required is \$ \_\_\_\_\_
- (21) Name and Title of Reviewer at residency \_\_\_\_\_
- (22) Approved by \_\_\_\_\_



# Proposed Regulations

FORM NO. 20  
REV. 11/83

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF HIGHWAYS AND TRANSPORTATION



SUBJECT: LAND USE PERMIT  
USE: PERMIT BONDING

1st Copy to Applicant  
2nd Copy to Central Office  
3rd Copy to District Office  
4th Copy to Residency Office

Bond No. \_\_\_\_\_

KNOWN ALL MEN BY THESE PRESENT, That we \_\_\_\_\_  
as Principal, and \_\_\_\_\_, a corporation duly incorporated under the laws of the State of  
the United States, as surety, are held and firmly bound unto the Commonwealth of Virginia in the  
full and just sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), a current money  
of the United States, to be paid to the said Commonwealth of Virginia, to the payment whereof we hereby bind our-  
selves and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents,  
sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19 \_\_\_\_\_.

WHEREAS, the principal hereunder has been or will be, granted a permit or permits authorizing one or  
more of the following activities: (a) to operate or move vehicles or property upon the public highways of the Com-  
monwealth exceeding in size, weight or height the maximum specified by law, (b) to cut the surface of the highways  
of the Commonwealth, or to tunnel under such highways, (c) to install and/or erect and maintain telephone, electric  
power lines, water, sewer, gas or other utilities on, under or over such highways, bridges or tunnels, (d) to install an  
entrance or tie-in into a public roadway of the Commonwealth, and/or grading upon the rights of way of the Com-  
monwealth, (e) for the following purposes: (Explain below exact purpose or purposes, surety coverage is being obtained.)  
\_\_\_\_\_  
\_\_\_\_\_

The following is a list of permits covered by this bond: \_\_\_\_\_  
\_\_\_\_\_

NOTE: If list is excessive, attach list of permits to the bond. Any future permits covered by this bond or deletions  
from this list shall be reported promptly to the Permit Manager's office (utility companies need not furnish permit  
listings).

NOW, THEREFORE, The conditions of this obligation is such that if said principal,  
\_\_\_\_\_, shall in all respects comply with conditions of the permit or permits granted or  
to be granted and the requirements for permit as set forth in the "Land Use Permit Manual", in effect at time of  
issuing permit, and shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, cost,  
expense, damage or injury to highways and bridges and to persons and property lawfully on such highways, growing  
out of the granting of such permit or permits to said principal, then this obligation to be void, otherwise to be and  
remain in full force and virtue.

It is expressly understood that this bond may be cancelled by the Surety at the expiration of sixty (60)  
days from the date which the Surety shall have lodged with the State Highway and Transportation Commissioner  
written notice to so cancel. This provision, however, shall not operate to relieve, release or discharge the Surety from  
any liability already accrued, or which shall accrue, on permits issued before the expiration of sixty-day period. Bonds  
securing performance on specified active permits may be cancelled upon satisfactory completion of these permits,  
as determined by the Department Engineer. NOTE: Continuous Bonds cannot be cancelled unless facilities covered  
by the permit have been removed from the right of way, or the principal has arranged for replacement surety pro-  
tection. All permit work covered under section (b) and (c) above shall be covered by Continuous Bond.

IN WITNESS WHEREOF, said principal and surety, both being properly authorized, have caused these  
presents to be executed and their seals affixed the day and year first above written.

\_\_\_\_\_  
(Principal)  
By: \_\_\_\_\_ (Seal)

Witness: \_\_\_\_\_  
(Typed or Printed Name)

\_\_\_\_\_  
(Typed or Printed Address)

Countersigned: \_\_\_\_\_

\_\_\_\_\_  
(Resident Agent) \_\_\_\_\_  
(Surety)

\_\_\_\_\_  
(Typed or Printed Address) By: \_\_\_\_\_ (Seal)  
\*(Attorney-in Fact)

\_\_\_\_\_  
(Typed or Printed Name)

\*POWER OF ATTORNEY AUTHORIZATION TO BE ATTACHED\*

NOTE: Original to be filed with the Department of Highways and Transportation. Request for Permit Bond cancellation may be addressed to:

Virginia Department of Highways and Transportation
1221 East Broad Street
Richmond, Virginia 23219

Attention: State Highway Permit Manager

ACKNOWLEDGEMENT OF PRINCIPAL

STATE OF \_\_\_\_\_,
\_\_\_\_\_ of \_\_\_\_\_, to-wit:
I, \_\_\_\_\_ a notary public in and for the \_\_\_\_\_
aforesaid, in the State aforesaid, do certify that \_\_\_\_\_ of \_\_\_\_\_
(Name and Title of Authorized Signee)
(Address)
whose name is signed to the above bond, bearing date on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_
personally appeared before me in my \_\_\_\_\_ aforesaid, and acknowledged the same. I further certify that my term of office expires on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Notary Public)

AFFIDAVIT AND ACKNOWLEDGEMENT OF SURETY

STATE OF \_\_\_\_\_,
\_\_\_\_\_ of \_\_\_\_\_, to-wit:
I, \_\_\_\_\_ notary public in and for the \_\_\_\_\_
aforesaid, in the State aforesaid, do certify that \_\_\_\_\_
(Name of Authorized Signee)
personally appeared before me in my \_\_\_\_\_ aforesaid
and made oath that he is \_\_\_\_\_
(Title)
of the \_\_\_\_\_
(Name of Surety)
that he is duly authorized to execute the foregoing bond by virtue of a certain power of attorney of said company, date \_\_\_\_\_, and recorded in the Clerk's Office of the \_\_\_\_\_ of \_\_\_\_\_, in Deed Book No. \_\_\_\_\_, page \_\_\_\_\_ that said power of attorney has not been revoked; that the said company has complied with all the requirements of law regulating the admission of such companies to transact business in the State of Virginia; that the said company holds the certificate of the Commissioner of Insurance authorizing it to do business of the State of Virginia; that it has a paid-up cash capital of not less than \$250,000; that the paid-up capital plus the surplus and undivided profits of said company is \$ \_\_\_\_\_ that the penalty of the foregoing bond is not in excess of ten percentum of said sum; that the said company is not by said bond incurring in the aggregate, on behalf or on account of the principal names in said bond, a liability for an amount larger than one-tenth of its paid-up capital, plus its surplus and undivided profits; that the said company is solvent and fully able to meet promptly all its obligations, and the said \_\_\_\_\_ thereupon, in the name and on behalf of the said company, acknowledged the foregoing writing as its act and deed.

My term of office expires \_\_\_\_\_, 19 \_\_\_\_\_

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

# FINAL REGULATIONS

For information concerning Final Regulations, see information page.

## Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

## DEPARTMENT OF CORRECTIONS (STATE BOARD OF)

**Title of Regulation:** VR 230-30-001. Minimum Standards for Jails and Lockups.

**Statutory Authority:** §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

**Effective Date:** April 1, 1988

### Summary:

*This regulation includes an amendment to § 5.13 to require local facilities to provide accused inmates with a written statement by the fact finders as to evidence relied upon and reasons for disciplinary actions. This amendment was first published as an emergency regulation, which became effective on May 1, 1987. This change is required by the Attorney General's office to protect the rights of the locality and the inmate.*

*There were no other substantive changes to the proposed regulation, except that the severability clause is being deleted because of legislation passed during the 1987 session of the General Assembly which added a blanket severability provision to the Administrative Process Act.*

VR 230-30-001. Minimum Standards for Jails and Lockups.

## PART I. INTRODUCTION.

### Article 1. Definitions.

§ 1.1. The following words and terms when used in these regulations shall have the following meaning unless the context clearly indicates otherwise:

*"Administrative segregation"* means a form of segregation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included.

*"Annually"* means an action performed each calendar year.

*"Appeal"* means the procedure for review of an action by a higher authority.

*"Appropriate heating"* means temperatures appropriate to the summer and winter comfort zones. Heat shall be evenly distributed in all rooms so that a temperature no less than 65°F is maintained. Air conditioning or mechanical ventilating systems, such as electric fans, shall be provided when the temperature exceeds 85°F.

*"Appropriate lighting"* means at least 20 footcandles at desk level and in personal grooming area.

*"Audit"* means the determination of facility compliance with standards through an examination of records and operations by a team of qualified professionals.

*"Certification"* means an official approval by the Board of Corrections which allows a facility to operate.

*"Chief executive"* means the elected or appointed individual who by law or position has the overall responsibility for the facility's administration and operation.

*"Classification"* means the process for determining inmate housing, custody and program assignments.

*"Communication system"* means a mechanical audio transmission such as telephone, intercom, walkie talkie or T.V. monitor.

*"Contraband"* means any item possessed by inmates or found within the jail or lockup which is illegal by law or not specifically approved for inmate possession by the administrator of the facility.

*"Daily log"* means a written record for the recording of daily activities or unusual incidents.

*"Detainee"* means any person confined but not serving a sentence.

*"Disciplinary detention"* means the separation of an inmate from the general population for major violations of conduct or regulations.

*"Educational release"* means a custody status under which inmates leave a facility to attend school or educational programs in the community.

*"Fire prevention practices"* means the activities and written procedures utilized and rehearsed to ensure the safety of staff, inmates and public.

*"Fire safety inspection"* means an inspection conducted

by the Office of State Fire Marshal or local fire department.

"*Grievance procedure*" means the method by which inmates may formally address complaints to the facility administration.

"*Health care personnel*" means individuals whose primary duties are to provide health services to inmates.

"*Health inspection*" means an inspection conducted by the local or State Department of Health.

"*Indigent inmate*" means an inmate who has no financial means to purchase personal hygiene items or postage for mailing letters.

"*Inmate handbook*" means a manual, pamphlet or handout which contains information describing inmate activities and conduct.

"*Inmate records*" means written information concerning the individual's personal, criminal and medical history, behavior and activities while in custody.

"*Impartial officer or committee*" means individual(s) who are unbiased and are not directly involved in the particular incident or situation being reviewed.

"*Juvenile*" means a person less than 18 years of age.

"*Legal mail*" means mail addressed to or received from an attorney or court.

"*Lockup*" means a temporary detention facility where detainees are held for not more than 12 hours.

"*Medical screening*" means an observation and interview process within the booking procedure designed to obtain pertinent information regarding an individual's medical or mental health condition.

"*Major violations*" means those institutional violations for which an inmate may be punished either by being placed in disciplinary detention or by losing statutory good time.

"*Minor violations*" means those institutional violations punishable by less severe sanctions such as reprimand or loss of privileges.

"*Permanent log*" means a written record of a facilities' activities which cannot be altered or destroyed subject to state law.

"*Pharmaceuticals*" means prescription and nonprescription drugs.

"*Policy and procedures manual*" means a written record containing all policies and procedures needed for the operation of the facility in accordance with the law and the minimum standards for local jails and lockups.

"*Post order*" means a list of specific job functions and responsibilities required of each duty position.

"*Protective custody*" means a form of separation from the general population for inmates requesting or requiring protection from other inmates.

"*Quarterly*" means an action which occurs once every three months within a calendar year.

"*Recreational activities*" means any out-of-cell activity ranging from scheduled outside or inside recreation to informal table top games.

"*Semi-annual*" means an action occurring once every six months within a calendar year.

"*Volunteer*" means individuals who provide services to the detention facility without compensation.

"*Work release*" means a formal program whereby an inmate is permitted to leave confinement to maintain regular employment in the community and returns to custody during nonworking hours.

## Article 2. Legal Base.

§ 1.2. The Code of Virginia is the foundation for the development of Minimum Standards for Local Jails and Lockups. Section 53.1-68 of the Code of Virginia directs the State Board of Corrections to establish minimum standards for the construction, equipment, administration and operation of local correctional facilities. This Code section also authorizes the Board of Corrections to establish minimum standards for the construction, equipment and operation of lockups.

§ 1.3. The State Board of Corrections is authorized to monitor the activities of the department and its effectiveness in implementing the standards and goals of the board as specified by § 53.1-5 of the Code of Virginia.

## Article 3. Administration.

§ 1.4. The Minimum Standards for Local Jails and Lockups, adopted by the Board of Corrections on March 24, 1980, and amended on May 13, 1980, and revised on April 1, 1987, are superseded on the effective date of these standards.

§ 1.5. The primary responsibility for application of these standards shall be with the sheriff or chief executive officer of the jail or lockup.

§ 1.6. These standards shall become effective on April 1, 1988.

§ 1.7. If any provision of these regulations or the application of them to any person or circumstances is held

# Final Regulations

---

to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions of the application, and to this end, the provisions of these regulations and the various applications of them are declared to be severable.

## PART II. JAIL ADMINISTRATION.

### Article 1. Philosophy, Goals and Objectives.

§ 2.1. The facility shall have a written statement discussing its philosophy, goals and objectives.

### Article 2. Policies and Procedures.

§ 2.2. Written policy and procedures shall be maintained in a manual and shall be available 24 hours a day to all staff.

§ 2.3. Written policy shall provide that each facility shall be headed by a single chief executive officer to whom all employees and functional units are responsible.

§ 2.4. A written annual report of the availability of services and programs to inmates in a facility shall be reviewed and provided to the sentencing courts and may be provided to relevant community agencies.

## PART III. MANAGEMENT INFORMATION.

### Article 1. Release of Information.

§ 3.1. Written policies and procedures covering the release of information shall be developed in accordance with the rules and regulations promulgated by the Criminal Justice Services Board and the Virginia Plan for the Privacy & Security of Criminal History Record Identification.

### Article 2. Inmate Records.

§ 3.2. Written policy and procedures shall ensure that inmate records are current and accurate.

§ 3.3. Personal records shall be maintained on all inmates committed or assigned to the facility. These records shall contain, but not be limited to, the:

1. Inmates data form;
2. Commitment form and court order;
3. Records developed as a result of classification;
4. All medical orders issued by the facilities physician;

5. All disciplinary actions, or unusual incidents;
6. Work record and program involvement; and
7. Copies of inmates' property expenditure records and receipts.

### Article 3. Facility Logs and Reports.

§ 3.4. The facility shall maintain a daily log(s) which records the following information:

1. Inmate count and location;
2. Intake and release of inmates;
3. Entries and exits of physicians, attorneys, ministers, and other nonfacility personnel; and
4. Any unusual incidents such as those that result in physical harm to or threaten the safety of any person, or the security of the facility.

### Article 4. Classification.

§ 3.5. Written policy and procedures shall ensure the following:

1. Classification of inmates as to level of housing assignment and participation in correctional programs;
2. Separate living quarters for males, females, and juveniles;
3. Prohibition of segregation of inmates by race, color, creed or national origin;
4. Security permitting, equal access to all programs and activities, through separate scheduling, or other utilization of combined programs under supervision;
5. The proper release of inmates; and

Any exception to the above to be documented in writing.

### Article 5. Grievance Procedure.

§ 3.6. A written grievance procedure shall be developed and made available to all inmates with the following elements:

1. Grievance shall be responded to within a prescribed reasonable time limit;
2. Written responses including the reason for the decision shall be made to all grievances;
3. A review shall be made by someone not directly

involved in the grievance; and

4. All inmates shall have access to the procedures with guaranty against reprisal.

5. All inmates must be afforded the opportunity to appeal the decision.

## PART IV. JAIL PROGRAMS AND SERVICES.

### Article 1. Inmate Participation.

§ 4.1. The facility administrator shall make each inmate aware of available programs.

§ 4.2. Written policy and procedures shall:

1. Provide inmates access to recreational activities consistent with health and security regulations;
2. Provide all inmates access to regular physical exercise;
3. Specify eligibility for work assignments;
4. Govern the administration of local work programs;
5. Govern the administration of local work or education release programs if applicable; and

Any exception to the above shall be documented in writing.

### Article 2. Religious, Social and Volunteer Services.

§ 4.3. Written policy and procedures shall allow inmates to participate voluntarily in available religious services or counseling of their choice during scheduled hours within the facility.

§ 4.4. The facility shall secure and support social services and volunteer programs from the community. Where volunteers provide direct services to inmates in the facility there shall be written policies and procedures.

§ 4.5. The volunteer program shall be coordinated and administered in accordance with written policies and procedures. Each volunteer shall sign a statement agreeing to abide by facility rules and regulations.

### Article 3. Education and Library Services.

§ 4.6. Written policy and procedures shall govern the availability and administration of educational services for inmates. The facility administrator shall coordinate and cooperate with local authorities for the provision of local community services and resources utilized for this purpose

where they are available.

§ 4.7. The facility shall provide reading materials which include current periodicals (not more than one year old).

§ 4.8. Reading materials, including newspapers, magazines and books, shall be permitted in the jail unless the material poses a threat to security.

### Article 4. Commissary.

§ 4.9. The facility shall make available to inmates commissary services where they may purchase from an approved list of items.

### Article 5. Medical Services.

§ 4.10. A licensed physician shall supervise the facility's medical and health care services.

§ 4.11. No restrictions shall be imposed on the physician by the facility in the practice of medicine; however, administrative and security regulations applicable to facility personnel shall apply to medical personnel as well.

§ 4.12. Health care personnel shall meet appropriate and current licensing or certification requirements.

§ 4.13. Where in-house medical and health care services are provided there shall be space for the private examination and treatment of inmates.

§ 4.14. Written policy shall provide 24-hour emergency medical care availability.

§ 4.15. Written policy and procedure shall provide that receiving and medical screening be performed on all inmates upon admission to the facility.

§ 4.16. Written procedures shall be developed whereby inmates can be informed, at the time of admission to the facility, of the procedures for gaining access to medical services.

§ 4.17. All staff involved in security shall be trained and competent in rendering basic first aid equivalent to that defined by the American Red Cross in its use in emergency care procedures. Further, there shall be at least one person per shift who is competent in administering basic life support cardio-pulmonary resuscitation (CPR).

§ 4.18. Written standard operating procedures for the management of pharmaceuticals shall be established and approved by the facility's physician or pharmacist.

§ 4.19. The medical record for each inmate shall include:

1. The completed receiving screening form; and,

# Final Regulations

---

2. All findings, diagnoses, treatment, dispositions, prescriptions, and administration of medication.

§ 4.20. Summaries of the medical record file shall be forwarded to the facility to which the inmate is transferred.

§ 4.21. Written policy shall prohibit medical or pharmaceutical testing for experimental or research purposes.

§ 4.22. Medical care performed by personnel other than a physician shall be pursuant to a written protocol or order.

## Article 6. Food Services.

§ 4.23. Written policy and procedures shall ensure that the facility's food service equipment and personnel meet the established safety and protection standards and requirements as set forth by the State Board of Health's rules and regulations governing restaurants and the requirements by the Virginia Department of Corrections.

§ 4.24. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that:

1. The menu meets the dietary allowances as stated in the Recommended Dietary Allowances, National Academy of Sciences;
2. There is at least a one-week advance menu preparation; and
3. Modifications in menus are based on inmates' medical or reasonable religious requirements.

§ 4.25. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure meals are served under the direct supervision of staff.

§ 4.26. Written policy and procedures shall ensure a food service program that meets the requirements as set forth by the Virginia Department of Corrections which shall ensure that records of meals served are kept for a minimum of three years.

§ 4.27. Written policy and procedures shall ensure a food service program that is not used as a disciplinary measure and meets the requirements as set forth by the Virginia Department of Corrections.

§ 4.28. Written policy and procedures shall provide for at least three meals daily with no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals within every 24 hours.

## Article 7. Mail.

§ 4.29. Written policy and procedures governing inmate correspondence shall ensure that all inmates, regardless of their jail status, shall be afforded the same correspondence privileges; correspondence privileges shall not be withdrawn as punishment.

§ 4.30. Written policy and procedures shall ensure that there is no limit on the volume of letter mail an inmate may send or receive, or on the length, language, content or source of such letter mail, except where there is clear and convincing evidence to justify such limitations.

§ 4.31. Written policy and procedures shall make available, when requested by an indigent inmate, a postage allowance of not more than five first-class rate (one ounce) letters per week, not counting legal mail.

§ 4.32. Written policy and procedures shall ensure that outgoing letters shall be collected and sent daily except Saturdays, Sundays, and holidays. Incoming letters to inmates shall be delivered no later than 24 hours after arrival at the facility or shall be promptly forwarded or returned to sender.

§ 4.33. Inmate mail shall not be read except where there is reasonable suspicion that a particular item of correspondence threatens the safety or security of the institution, or the safety of any person, or is being used for furtherance of illegal activities.

§ 4.34. Written policy and procedures shall assure that notice of the seizures of mailed contraband be given to the inmate and the sender together with the written reason for the seizure. The sender shall be allowed the opportunity to appeal and challenge the seizure before the facility administrator or a designee empowered to reverse seizure. Unless it is needed for a criminal investigation or prosecution, property which can legally be possessed outside the facility shall be stored, returned to sender or destroyed, as the inmate desires.

## Article 8. Telephone.

§ 4.35. Written policy and procedures shall ensure inmates reasonable access to telephone facilities.

§ 4.36. Written policy and procedures shall ensure that emergency messages to inmates are delivered promptly and recorded. When possible, the jail chaplain shall be notified of an immediate family member's death or serious illness.

## Article 9. Visiting.

§ 4.37. Written policy and procedures shall ensure maximum visiting opportunities limited only by facility

schedules, space and personnel constraints.

§ 4.38. The facility shall have a list of approved items which visitors may bring into the facility. Items brought into the facility by visitors for inmates shall be subject to inspections and approval.

§ 4.39. Written policy and procedures shall specify requirements for visitor registration and the circumstances and methods under which visitors may be searched.

## PART V. JAIL OPERATIONS.

### Article 1. Reception and Orientation.

§ 5.1. Written policy and procedures for admitting individuals into the jail shall address the following:

1. Verification of commitment;
2. Complete search of the individual and his possessions;
3. Disposition of clothing and personal possessions;
4. Interview for obtaining identifying data;
5. Photograph; and
6. Telephone calls.

§ 5.2. Written policy and procedures for those inmates to be confined in the jail shall address the following:

1. Shower/search;
2. Issue of clean clothing/hygiene items/linen;
3. Classification and housing assignment; and
4. Orientation.

§ 5.3. Written policy and procedures shall specify that - newly admitted inmates who are physically capable are permitted to complete at least two local or collect long-distance telephone calls during the admissions process.

### Article 2. Linen and Clothing.

§ 5.4. Written policy and procedure shall provide that a record be kept to show that clean linen and towels be supplied once a week, a clean change of clothing be provided twice a week and inmates shall be held accountable for their use.

§ 5.5. The facility shall provide for the issuance of special and protective clothing to inmates assigned to food services, farm, sanitation, mechanical services, and other

special work functions.

### Article 3. Bathing and Hygiene.

§ 5.6. There shall be sufficient hot and cold water for bathing. Each inmate shall be required to bathe twice a week.

§ 5.7. The facility shall provide soap, a toothbrush, and toothpaste or toothpowder to each inmate upon admission to the general population. Notwithstanding security considerations, shaving equipment, including a mirror, and haircuts shall be made available, and hygiene needs of all inmates shall be met.

### Article 4. Inmate Money and Property Control.

§ 5.8. Written policy and procedures shall state what items the inmate may retain in his possession.

§ 5.9. A written itemized inventory of cash and personal property of each inmate shall be made at the time of initial booking. A signed copy shall be furnished the inmate.

§ 5.10. An itemized account shall be maintained of each inmate's expenditures and receipts of money while in the facility and acknowledged by the inmate in writing.

§ 5.11. Inmate's property and funds shall be returned to him upon his release or transfer and acknowledged by the inmate in writing.

### Article 5. Inmate Conduct and Discipline.

§ 5.12. Written policy and procedures shall govern inmate conduct and shall include:

1. Rules of conduct;
2. Definition of major and minor violations; and
3. Prohibition of the use of food as a disciplinary measure.
4. Upon assignment to general inmate housing, inmates shall receive a copy of inmate conduct rules and policy and procedures governing inmate conduct.

§ 5.13. Written policy and procedures shall govern the reporting and disposition of disciplinary infractions by inmates and shall include:

1. Procedures and provisions for pre- and post-disciplinary detention of inmates; and
2. Procedures for handling minor violations:



# Final Regulations

---

a. The accused inmate is given written notice of the charge and the factual basis for it;

b. The accused inmate shall have an opportunity to explain or deny the charge;

c. *The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action.*

e- d. The accused inmate shall have an opportunity to appeal any finding of guilt to the facility administrator; and

### 3. Procedures for handling major violations:

a. The accused inmate is given written notice of the charge and the factual basis for it at least 24 hours prior to the hearing of the charge;

b. The charge is heard in the inmate's presence by an impartial officer or committee.

c. The accused inmate is given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge;

d. Witness statements and documentary evidence will be permitted in his defense; and

e. *The accused inmate shall be given a written statement by the fact finders as to the evidence relied upon and the reasons for the disciplinary action.*

e- f. The accused inmate is permitted to appeal any finding of guilt to the facility administrator.

### Article 6. Security.

§ 5.14. The facility shall maintain a designated post, manned 24 hours a day, that controls activities and flow of people in and out of the secure area of the jail.

§ 5.15. The facility's outside recreation area shall be secure so that inmates shall not have physical access to the general public without authorization.

§ 5.16. Written policy and procedures shall require that all security perimeter entrances, control center doors, cell block doors and all doors opening into a corridor are kept locked except when used for admission or exit of employees, inmates or visitors, or in emergencies.

§ 5.17. Written policy and procedures shall govern the security, storage and use of firearms, ammunition, chemical agents, and related security devices to ensure that:

1. Personnel who carry firearms are assigned positions that are inaccessible to inmates (with the exception of emergencies);

2. Personnel who discharge firearms or use chemical agents submit written reports to the administrator or designated subordinate no later than the conclusion of the shift during which same are discharged or used.

§ 5.18. Written policy and procedures shall specify the conditions under which an officer can enter a security cell or cell block.

§ 5.19. The facility shall provide a communications system allowing staff to communicate with each other to facilitate staff supervision.

§ 5.20. Written policy and procedures shall specify that, at least once daily, a careful examination be made of all security devices and that maintenance be routinely performed to ensure their proper operation.

§ 5.21. Written policy and procedures shall specify the process for conducting and documenting searches of the facility and inmates.

§ 5.22. The facility shall post the policy regarding searches for the control of contraband or otherwise make it available to staff and inmates. Further, the policy shall be reviewed at least annually and updated as needed.

§ 5.23. Written policy and procedures shall govern key and door control.

§ 5.24. Written policy and procedures shall govern the control and use of tools, culinary items and cleaning equipment.

§ 5.25. Written policy and procedures shall specify the control, storage and use of all flammables, toxic and caustic materials.

§ 5.26. Written post orders shall clearly describe the functions of each duty post in the facility and include copies in the policy and procedures manual.

§ 5.27. Written policy and procedures shall specify and restrict the use of physical force which is necessary for instances of self-protection, protection of others, protection of property and prevention of escapes. Such physical force shall be restricted to that necessary only to overcome such force as is being exerted. A written report shall be prepared following all such incidents described above and shall be submitted to the administrator for review and justification.

§ 5.28. Written policy and procedures shall govern the use of restraint equipment.

§ 5.29. Written policy and procedures shall provide for administrative segregation of inmates who pose a security

threat to the facility or other inmates and for inmates requiring protective custody.

§ 5.30. Written policies and procedures shall ensure that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide physical living conditions that approximate those offered the general inmate population.

§ 5.31. Written policy and procedure shall specify the handling of mental health inmates to include an agreement to utilize mental health services from either a private contractor or the community services board.

§ 5.32. Written policy and procedures shall ensure that a log be kept to record all activities in disciplinary detention and administrative segregation units.

§ 5.33. Written policy and procedures shall require that an assessment, including a personal interview and medical evaluation, is conducted when an inmate remains in administrative segregation or disciplinary detention beyond 15 days and every 15 days thereafter.

§ 5.34. The facility shall provide for around-the-clock supervision of all inmates by trained personnel. All inmate housing areas shall be inspected a minimum twice per hour. All inspections and unusual incidents shall be documented.

§ 5.35. Supervisory staff shall inspect the institution daily. Unusual findings shall be indicated in writing and submitted to an administrative official for review.

§ 5.36. Written policies and procedures shall regulate the movement of inmates within the facility.

§ 5.37. Written policy shall prohibit inmates from supervising, controlling or exerting any authority over other inmates.

§ 5.38. Written policy and procedures shall specify the process to be followed in emergency situations, mass arrest, fire, disturbance, taking of hostages, escapes, attempted suicides, loss of utilities and natural disasters. All personnel shall be trained in the implementation of emergency plans. Plans shall be reviewed annually.

#### Article 7. Release.

§ 5.39. Written policy and procedures shall require that, prior to an inmate's release, positive identification is made of the releasee, authority for release is verified and a check for holds in other jurisdictions is completed.

### PART VI. JAIL PHYSICAL PLANT.

#### Article 1. Fire and Health Inspection.

§ 6.1. The facility shall have an annual state or local health and fire safety inspection, and written reports, filed with the facility administrator. One fire safety inspection shall be completed by the Office of the State Fire Marshal every three years.

#### Article 2. Fire Prevention and Safety.

§ 6.2. Written policy and procedures shall specify the facility's fire prevention practices to ensure the safety of staff, inmates, and the public. They shall be reviewed annually.

§ 6.3. Mattresses, pillows and trash receptacles present in the secured housing shall be of nontoxic and fire retardant materials.

§ 6.4. The facility shall have a written master plan for the safe and orderly evacuation of all persons in the event of a fire or an emergency. Such a plan shall be reviewed by all staff quarterly. The quarterly review shall be documented.

#### Article 3. Facility Cleanliness.

§ 6.5. Facility floors, halls, corridors, and other walkway areas shall be maintained in a clean, dry, hazard-free manner.

§ 6.6. The facility shall control vermin and pests and shall be serviced at least quarterly by professional pest control personnel.

#### Article 4. Housing Areas.

§ 6.7. All housing and activity areas shall provide for appropriate lighting and heating.

§ 6.8. All housing areas shall have toilets, showers, drinking water and washbasins with hot and cold running water accessible to inmates.

#### Article 5. Special Purpose Area.

§ 6.9. The facility shall have a special purpose area to provide for the temporary detention and care of persons under the influence of alcohol or narcotics or for persons who are uncontrollably violent or self-destructive and those requiring medical supervision.

#### Article 6. Security Equipment Storage.

§ 6.10. The facility shall provide secure storage for firearms, chemical agents, and related security equipment accessible to authorized personnel only and located outside the security perimeter or the inmate housing and activity

# Final Regulations

---

areas.

## PART VII. JUVENILES.

### Article 1. Housing.

§ 7.1. Those facilities which, on occasion, house juveniles shall be certified by the Board of Corrections for the express purpose of holding juveniles.

§ 7.2. Juveniles shall be so housed as to be separated by a wall or other barrier which would result in preventing visual contact and normal verbal communication with adult prisoners except in instances of casual contact under supervision.

§ 7.3. The facility shall have one or more persons on duty at all times responsible for auditory and visual contact with each juvenile at least every 30 minutes. Contact shall be at least every 15 minutes when juveniles exhibit self-destructive or violent behavior.

Article 2.  
Isolation or Segregation, utilized only as a protective or disciplinary measure.

## PART VIII. LOCKUPS.

### Article 1. Responsibility.

§ 8.1. The chief of police, town sergeant, or, in case of a county's operating a lockup, the sheriff shall be responsible for seeing that the lockup is operated in full conformity with these regulations.

### Article 2. Coverage.

§ 8.2. When the lockup is occupied at least one employee shall be on duty at the lockup at all times.

### Article 3. Search and Inspection.

§ 8.3. The facility shall comply with the search requirements included in § 19.2-59.1 of the Code of Virginia.

§ 8.4. Quarterly inspections shall be made and recorded of bars, locks and all security devices.

### Article 4. Commitment and Release.

§ 8.5. A written record shall be maintained to include name, date, and time of commitment and release of all detainees confined in the lockup.

### Article 5. Property.

§ 8.6. Written policy and procedures shall govern the inventory and control of detainee property. The detainee shall sign for all property taken upon admission and returned to him upon release. If the detainee refuses to sign this shall be witnessed and documented.

### Article 6. Telephone.

§ 8.7. Written policy and procedures shall specify that newly admitted inmates who are physically capable are permitted the opportunity to complete at least two local or collect long distance telephone calls during the admissions process.

### Article 7. Separation of Inmates.

§ 8.8. A lockup shall detain juveniles in strict compliance with § 16.1-249 of the Code of Virginia.

§ 8.9. Males shall be housed separately from females.

§ 8.10. There shall be written policy for the protection of inmates appearing to be vulnerable to physical or sexual attack.

### Article 8. Medical.

§ 8.11. Written policy and procedures shall provide for 24-hour emergency medical and mental health care availability.

§ 8.12. A permanent log shall be maintained on all medical findings, diagnoses, treatment, dispositions, prescriptions and administration of medications.

### Article 9. Visiting.

§ 8.13. Written policy and procedures shall ensure that:

1. There be visiting opportunities limited only by facility schedules, security, space and personnel constraints;
2. Visitors register upon entry into the facility;
3. Circumstances and methods under which visitors may be searched are delineated;
4. Attorneys be permitted to have confidential visits with their clients; and

Any exception to the above shall be documented in writing.

Article 10.  
Inmate Control.

§ 8.14. Written policies and procedures shall ensure that punishment shall not be utilized as a means of control or discipline in lockups. Tear gas, chemical mace, or similar devices shall not be used as punishment and may only be used to control detainees where there is an imminent threat of physical injury.

Article 11.  
Incident Report.

§ 8.15. A report setting forth in detail the pertinent facts of deaths, escapes, discharging firearms, using chemical agents, or any other serious occurrences shall be reported to the Regional Manager, Department of Corrections, or his designee.

Article 12.  
Facility and Inmate Cleanliness.

§ 8.16. A detainee shall have access to a wash basin and toilet facility.

§ 8.17. The detention area shall be maintained in a clean, dry, hazard-free manner.

DEPARTMENT OF GENERAL SERVICES

Title of Regulation: VR 300-02-02. Regulations for the Approval of Independent Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases.

Statutory Authority: §§ 2.1-424, 2.1-426, and 18.2-268 of the Code of Virginia.

Effective Date: April 1, 1988

Summary:

Sections 18.2-266 and 18.2-268 of the Code of Virginia have been amended (effective April 1, 1988) to permit drug analyses in blood samples from suspected drug-impaired drivers. The Division of Consolidated Laboratory Services has been designated by these sections of the Code of Virginia to approve independent laboratories to perform qualitative and quantitative drug analyses in blood from suspected drug-impaired drivers. These regulations describe the application and evaluation procedures and the minimum technical requirements for approval of independent laboratories. They also describe the three types of approval and criteria to achieve and maintain same.

The final regulations include an additional provision for unannounced on-site visits by the approval team.

VR 300-02-02. Regulations for the Approval of Independent

Laboratories to Analyze Blood for Drugs in Driving Under the Influence Cases.

PART I.  
DEFINITIONS.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

"Approval authority" means the Director of the Bureau of Forensic Science, the division or his designee.

"Division" means the Division of Consolidated Laboratory Services, the Department of General Services which is responsible for approval of independent laboratories.

[ "DUID" means driving under the influence of drugs. ]

"First sample" means the blood sample sent to the division for analysis.

"Independent laboratory" means any nongovernment laboratory in Virginia.

[ "List of approved laboratories" means a list of independent laboratories approved to perform drugs in blood analyses which is published by the division and provided to law-enforcement agencies in Virginia. The driver charged with DUI may select any laboratory on this list to analyze the second blood sample for drugs. ]

"Minimum requirements" means criteria which are deemed critical to the generation of valid data. These criteria describe the minimum level of capability at which the analyses can be successfully performed.

"On-site inspection" means evaluation of the independent laboratory facilities and procedures by a division team visiting the laboratory premises.

"Proficiency sample" means a blood sample prepared or provided by the division for proficiency evaluation of independent laboratories to perform qualitative and quantitative drug analyses.

"Second sample" means the blood sample sent for analysis to an independent approved laboratory at the request of the accused.

§ 1.2. These regulations and the steps set forth herein relating to the handling, identification and disposition of blood samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

PART II.  
REGULATIONS.

# Final Regulations

---

## Article 1. General.

§ 2.1. Sections 18.2-266 and 18.2-268 of the Code of Virginia have been amended to permit drug analyses of blood samples from suspected drug-impaired drivers. Portions of these blood samples will be sent for drug analysis to the division and, upon request of accused, to an approved independent laboratory, selected from a list of such laboratories by the accused. When analyses by the division indicate the presence of one or more drugs (listed herein), the approved independent laboratory will be directed to analyze the second sample to confirm or refute the qualitative results of the division and to conduct a quantitative analysis of those drugs (or their metabolites) confirmed.

§ 2.2. Partial expenses for the on-site inspection and approval processes and on-going monitoring will be borne by an application fee charged to the applying independent laboratory. A fee to be established by the division for each [ analyte drug or metabolite tested for ] may be charged by the approved independent laboratory to the court system. Such fees shall be paid out of the appropriation for criminal charges.

§ 2.3. The objective of this approval process is to establish each laboratory's ability to consistently produce accurate results. Documentation is the key element of this program. Each laboratory shall effectively show evidence of its capabilities and substantiate its performance. Its internal recordkeeping shall be an integral part of its quality assurance program. To assure that each laboratory is producing data of quality, the division has established a program of reviewing each laboratory's equipment-in-use, methods of analyses, personnel, laboratory techniques, and quality control program at the time of the on-site evaluation. As a continuing evaluation of each laboratory's performance, periodic proficiency samples will be sent to each approved laboratory.

§ 2.4. The laboratory shall be secure not only in the [ ~~traditional~~ conventional ] sense of resisting breaking and entering, but also in the sense of limiting access to areas where specimens are being processed and records are stored. Access to these secure areas [ is shall be ] limited to specifically authorized individuals whose authorization is documented. Visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, time and purpose of entry shall be maintained.

§ 2.5. A written, signed and dated record [ ~~of~~ of ] possession of each blood sample for drug determination shall be maintained to document the chain of custody.

## Article 2.

### Process of Approval of Independent Laboratories.

§ 2.6. To uniformly handle laboratory on-site evaluation and approval, the division will process prospective

laboratories for approval in the following sequence:

#### A. Request for approval.

1. The director of a laboratory wishing to be approved to analyze blood for drugs shall submit a request in writing to the division. Laboratories seeking approval for DUID testing must also be approved for blood alcohol analyses.
2. An application packet consisting of the instructions, a copy of these regulations, and any pertinent information regarding the program will then be forwarded to the requesting laboratory.
3. The division will administratively review the information provided. The application fee shall accompany this submitted application.
4. The division will forward proficiency samples.
5. The division will then schedule an on-site evaluation if the laboratory proficiency test results are satisfactory.

#### B. On-site evaluation protocol.

1. The division will notify an independent laboratory of a pending on-site evaluation in writing at least three weeks in advance of the intended visit; the notification may include preliminary information sheets to be completed and returned to the division before the on-site evaluation occurs. The preliminary sheets will include name of laboratory, location, listing of personnel and important vitae, methods of analyses and updated list of equipment.
2. During the on-site evaluation, the approval team will evaluate the procedures and equipment, review the records and procedure manual for compliance with the criteria stated in these regulations and evaluate the effectiveness of the security system, internal chain of custody procedures, and laboratory's quality control program. The team will use a general laboratory survey form as a working guideline for the evaluation and will review the results of the evaluation at the end of the visit with the appropriate laboratory staff. The review will include observed deviations in procedures and records, recommendations for improvements as necessary, and a discussion of how the division may aid the local laboratory in its attempt to be approved.

NOTE: A laboratory may be required to perform specific test procedures for a given test parameter during the on-site review.

#### C. Approval status.

The approval team will prepare a formal narrative report and action memorandum for the approval authority.

This report will contain all information pertinent to the evaluation and also recommend one of the following actions:

1. **Approved.** A laboratory that meets the minimum requirements as determined by the evaluation team using these regulations. The approval shall be effective for three years [ (in the absence of any deficiencies described in § 2.9 below) ].

2. **Provisionally approved.** A laboratory that has demonstrated its analytical capabilities but is [ judged ] deficient in its adherence to one or more of the administrative or procedural requirements of these regulations. A laboratory may be given a grace period of up to one year to correct deficiencies. In no case shall provisional approval be given if the evaluation team believes that the laboratory lacks the capability of performing the analysis. Laboratories placed in this category shall be reevaluated unless they can document in some other acceptable way that the deficiency has been corrected.

3. **Not approved.** A laboratory that does not meet the minimum requirements as determined by the evaluation team using these regulations. A laboratory in this category may appeal to the approval authority by requesting reevaluation. The results of a reevaluation will be sent to the independent laboratory within 30 days. Should the reevaluation confirm the "not approved" classification, the laboratory may correct the deficiencies noted and then begin the request for approval procedure again, including application fees.

§ 2.7. A laboratory wishing to maintain approval shall continue to meet the requirements listed in these regulations as well as pass annual performance evaluation studies. [ In addition, these laboratories shall be subject to periodic unannounced on-site visits by the approval team. ]

§ 2.8. An approved laboratory will be downgraded to a provisionally approved status for any of the following reasons:

1. Failure to analyze proficiency samples within the acceptable limits and time frames established by the division. After downgrading to a provisionally approved status, a laboratory may request quality control samples and technical assistance to help identify and resolve the problem. A provisionally approved status will continue until the laboratory's analysis of follow-up performance evaluation sample produces data within the acceptance limits established by the division.

2. Failure of an approved laboratory to notify the division within 60 days of major changes in personnel, equipment, laboratory location, or methodology which might impair analytical capability.

3. Failure to satisfy the division that the laboratory is maintaining the required standard of quality based upon an on-site evaluation.

4. Failure to report results within four weeks of receipt of proficiency samples or four weeks from receipt of the division's notification on court samples.

During the provisional status period, which may last up to one year, the laboratory may continue to analyze samples for enforcement purposes until it resolves its [ difficulties deficiencies ] or is further downgraded to the nonapproved status.

§ 2.9. A laboratory will be downgraded from an approved or provisionally approved status to a not approved classification for the following reasons:

1. Failure to adhere to acceptable methods of analyses.

2. Failure to analyze follow-up proficiency samples within the acceptable limits established by the division.

3. A second failure to report results to the court within the four weeks from the notification by the division.

4. Submitting a performance evaluation check sample to another laboratory for analysis and reporting data as its own.

5. Failure to correct identified deviations by the time specified by the approving authority.

6. Permitting persons other than qualified laboratory personnel to perform and report results to the courts.

7. Failure to maintain acceptable security or custody of samples.

8. Falsifying data or using other deceptive practices.

§ 2.10. Approval will be reinstated when and if the laboratory can demonstrate to the approval authority's satisfaction that the deficiencies which produce provisionally approved status or revocation have been corrected. This may include an on-site evaluation, a successful analysis of samples on the next regularly scheduled proficiency study, or any other measure the approving authority deems appropriate.

§ 2.11. An approved independent laboratory will be notified in writing by the division of its next on-site evaluation which will be approximately 36 months from the previous approval. The continuing on-site evaluations will be performed essentially the same as the initial visit with emphasis on past deviations and their corrections.

Article 3.

# Final Regulations

---

## Technical Requirements.

### § 2.12. Quality control.

A written description of a laboratory's quality control program shall be available; this program shall emphasize:

1. The use of approved analytical procedures.
2. Adequate training of laboratory personnel.
3. Calibration procedures, intervals, and standardizations to ensure control of the system.
4. Compliance with all sampling criteria.
5. A current working manual of procedures in an area readily available for the working analyst. The manual shall contain procedures used for each parameter, descriptions of how the procedures are EXACTLY performed (NOT how they should ideally be performed), calibration and standardization procedures, and appropriate references regarding their use.
6. Calibration results and dates.
7. Preparation of standard curves requiring a sufficient number of known concentrations to establish linearity.
8. Appropriate record of drug and metabolite standards including source, purity, date of receipt and security measures for storage.
9. Maintenance logs on appropriate instruments and equipment.
10. A system of recordkeeping for the handling, storage, logging, numbering, and reporting of samples.
11. A record of occurrences of out-of-control situations and the corrective actions taken to resolve the problem. The compilation of these records will develop into a good referencing guide for corrective actions of troubleshooting.
12. Records of analyses shall be confidential and shall be kept by the laboratory for three years. This includes raw data, calculations, and quality control data. A copy of each actual laboratory report shall be kept on file, including the name of the suspect; date of sample receipt; person receiving sample; date of analysis; person performing the analysis; result of analysis; and date sample returned.

§ 2.13. Each second sample for potential drug or metabolite determination(s) shall be identified as such by the submitting agencies. Upon receipt by the approved laboratory the container (box) shall be opened, date of receipt and name of the accused recorded and the sealed blood vial retained under refrigeration. Each vial shall

remain sealed and under refrigeration until the division provides written instructions to the laboratory on sample disposition. These instructions will vary depending on the division's findings on the first sample. If the division finds no significant alcohol or drugs, the approved laboratory will be instructed to return the blood vial to the appropriate court unanalyzed. If the division finds only a significant amount of alcohol, the approved laboratory will be instructed to perform only an alcohol determination. If the division finds one or more drugs, metabolites or alcohol, the approved laboratory will be instructed to confirm or refute these findings. In each case the approved laboratory will be appraised of the qualitative, but not quantitative, results of the division before analysis of the second sample is to begin.

Section 18.2-268 of the Code of Virginia specifies that the approved independent laboratory shall analyze the second blood sample only when drugs, metabolites or an elevated concentration of alcohol have been reported by the division. Furthermore, only those [ analytes drugs or metabolites ] reported by the division shall be addressed in the report to the court by the approved laboratory. Incidental detection of alcohol, drugs or metabolites other than those reported by the division shall not be reported to the court and are not subject to compensation by the court.

§ 2.14. The one general analytical technique required for confirmation of drugs or metabolites is gas chromatography/positive ion electron-impact mass spectrometry. Selected ion monitoring of three or more ions and their relative ratios is also permitted for confirmation. These and other modes of gas chromatography/mass spectrometry including positive and negative chemical ionization are also permitted for drug and metabolite quantitation. Other acceptable techniques for quantitation are capillary or megabore gas chromatography with flame ionization, nitrogen-phosphorus or electron capture detectors. Likewise, quantitative immunoassays and high performance liquid chromatography with ultraviolet absorbance, fluorescence or electrochemical detectors may be used for drug and metabolite quantitation.

§ 2.15. The following list indicates which drugs and metabolites which an approved laboratory shall be able to detect and the minimum concentration above which each must be quantitated. Drugs and metabolites below these concentrations may be quantitated if the approved laboratory wishes to do so and can document adequate analytical precision at the lower concentrations. Drugs and metabolites detected and confirmed but which are subsequently found to be below minimum measurable concentrations shall be reported as "detected, less than (x) nanograms/milliliter" (i.e. the minimum measurable concentration). If the laboratory does not confirm the presence of a drug or metabolite, the report shall read "none detected" followed by the laboratory's stated limit of detection for that drug or metabolite.

..... Required Limit of  
 ..... Quantitation (Nanograms  
 ..... per Milliliter)

Category: Cannabinoids

Drug:  
 delta-9-Tetrahydrocannabinol .....2.5  
 11-nor-delta-9-Tetrahydrocannabinol-9-carboxylic acid  
 ..... 25

Category: Stimulants

Drug:  
 Cocaine ..... 100  
 (Benzoyllecgonine) ..... 100  
 Amphetamine ..... 20  
 Methamphetamine ..... 20  
 Phenmetrazine ..... 100

Category: Barbiturates

Drug:  
 Butalbital ..... 1000  
 Butabarbital ..... 1000  
 Amobarbital ..... 1000  
 Pentobarbital ..... 1000  
 Secobarbital ..... 1000  
 Phenobarbital ..... 1000

Category: Benzodiazepines

Drug:  
 Diazepam ..... 100  
 Nordiazepam ..... 100  
 Chlordiazepoxide ..... 500

Category: Antidepressants

Drug:  
 Amitriptyline ..... 50  
 Nortriptyline ..... 50  
 Imipramine ..... 50  
 Desipramine ..... 50  
 Doxepin ..... 50

Category: Antihistamines

Drug:  
 Diphenhydramine ..... 50  
 Chlorpheniramine ..... 20  
 Brompheniramine ..... 20

Category: Analgesics

Drug:  
 Morphine ..... 50  
 Codeine ..... 50  
 Hydrocodone ..... 50  
 Oxycodone ..... 50  
 Meperidine ..... 100  
 Propoxyphene ..... 100  
 Methadone ..... 100

Category: Miscellaneous

Drug:  
 Phencyclidine ..... 20



# Final Regulations

---

Commonwealth of Virginia  
Department of General Services  
Division of Consolidated Laboratory Services  
Bureau of Forensic Science  
P. O. Box 999  
Richmond, Virginia 23208

APPLICATION FOR APPROVAL TO CONDUCT INDEPENDENT ANALYSIS IN  
DRIVING UNDER THE INFLUENCE CASES

BLOOD ALCOHOL //                      DRUGS IN BLOOD //                      BOTH //

ORIGINAL APPLICATION // RENEWAL APPLICATION // REINSTATEMENT APPLICATION //

Laboratory Name: \_\_\_\_\_

Laboratory Address: \_\_\_\_\_  
\_\_\_\_\_

Laboratory Director: \_\_\_\_\_

Please attach the following:

1. Curriculum vita for Laboratory Director.
2. If laboratory is certified by other agencies, list name of certifying agency(s) and type(s) of certification(s).
3. Laboratory Quality Control Procedures. (See Regulations Part II, Article 4)
4. Check or Money Order made payable to Treasurer, Commonwealth of Virginia in the amount of:

\$300 for Drugs in Blood  
\$100 for Blood Alcohol  
\$350 for both of the above.

Note: By Regulation, a laboratory seeking approval for Drugs in Blood must also be approved for Blood Alcohol.

I hereby certify that I have reviewed and understand the REGULATIONS FOR APPROVAL OF INDEPENDENT LABORATORIES TO CONDUCT ANALYSES IN DRIVING UNDER THE INFLUENCE CASES and I certify that the information contained in this application is correct.

\_\_\_\_\_  
Signature of Laboratory Director

\_\_\_\_\_  
Date

\*\*\*\*\*

Title of Regulation: VR 330-02-03. Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analyses in Driving Under Influence Cases.

Statutory Authority: §§ 2.1-424, 2.1-426 and 18.2-268 of the Code of Virginia.

Effective Date: April 1, 1988

Summary:

The Department of General Services, Division of Consolidated Laboratory Services, is repealing its Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analysis in Driving Under Influence Cases, previously adopted on September 17, 1984, effective November 1, 1984, pursuant to § 18.2-268 of the Code of Virginia. These regulations replace the repealed regulations and become effective on April 1, 1988. The new regulations more clearly describe the technical and administrative performance required to achieve and maintain an status to allow a laboratory an opportunity to correct deficiencies without being relegated to a nonapproved status.

The final regulations include an additional provision for unannounced on-site visits by the approval team.

VR 330-02-03. Regulations for Approval of Independent Laboratories to Conduct Blood Alcohol Analysis in Driving Under Influence Cases.

PART I.  
DEFINITIONS.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

"Alcohol" means ethyl alcohol, ethanol.

"Alcohol determination" means quantitative assay of alcohol in blood in percent by weight by volume, i.e. grams ethanol per deciliter blood.

"Analyst" means a toxicologist, chemist or technician who actually performs a test.

"Approval authority" means the Director of the Bureau of Forensic Science or his designee.

"Division" means Department of General Services, Division of Consolidated Laboratory Services, which is responsible for approval of independent laboratories.

"DUI" means driving under the influence.

"Independent laboratory" means any nongovernment laboratory in Virginia.

"List of approved laboratories" means a list of independent laboratories approved to perform blood alcohol analyses which is published by the division and provided to law-enforcement agencies in Virginia. The driver charged with DUI may select any laboratory on this list to analyze the second blood sample for alcohol.

"Minimum requirements" means criteria which enable the generation of valid data. These criteria describe the minimum level of capability at which the analyses can be successfully performed.

"On-site inspection" means evaluation of the independent laboratory facilities and procedures by a division team visiting the laboratory premises.

"Proficiency sample" means a blood sample prepared or provided by the division for proficiency evaluation of independent laboratories to perform alcohol determinations.

"Second sample" means the blood sample sent for analysis to an independent approved laboratory at the request of the accused.

§ 1.2. These regulations and the steps set forth herein relating to the handling, identification and disposition of blood samples, the testing of such samples, and the completion and filing of any form or record prescribed by these regulations are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

PART II.  
REGULATIONS.

Article 1.  
General.

§ 2.1. Section 18.2-268 of the Code of Virginia provides that the Division of Consolidated Laboratory Services shall approve laboratories to perform independent analysis of blood samples to determine the blood alcohol content of persons arrested for driving a motor vehicle while under the influence of alcohol.

§ 2.2. Partial expenses for the on-site inspection, approval process and on-going monitoring will be borne by an application fee charged to the applying independent laboratory.

§ 2.3. The objective of this approval process is to establish each laboratory's ability to consistently produce accurate results. Documentation is the key element of this program. Each laboratory shall effectively show evidence of its capabilities and substantiate its performance. Its internal recordkeeping shall be an integral part of its quality assurance program. To assure that each laboratory is producing data of quality, the division has established a program of reviewing each laboratory's equipment-in-use, methods of analyses, personnel, laboratory techniques, and

# Final Regulations

---

quality control program at the time of the evaluation. As a continuing evaluation of each laboratory's performance, 12 annual proficiency samples will be sent to each approved laboratory.

§ 2.4. The laboratory shall be secure not only in the [ ~~traditional~~ conventional ] sense of resisting breaking and entering, but also in the sense of limiting access to areas where specimens are being processed and records are stored. Access to these secure areas [ ~~is shall be~~ ] limited to specifically authorized individuals whose authorization is documented. Visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, time and purpose of entry shall be maintained.

§ 2.5. A written, signed and dated record or possession of each blood sample for alcohol determination shall be maintained to document the chain of custody.

## Article 2.

### Process of Approval of Independent Laboratories.

§ 2.6. To uniformly handle laboratory evaluation and approval, the division will process prospective laboratories for approval in the following sequence:

#### A. Request for approval.

1. The director of a laboratory wishing to be approved for blood alcohol determinations shall submit a request in writing to the division.

2. An application packet consisting of the instructions, a copy of these regulations, and any pertinent information regarding the program will then be forwarded to the requesting laboratory.

3. The division will administratively review the information provided. The application fee shall accompany this submitted application.

4. The division will forward six proficiency samples.

a. Each proficiency test result must be within  $\pm 10\%$  of the theoretical (target) value, or 0.01 g/dL, whichever is greater. Proficiency test results shall be reported to the nearest one-thousandth of a percent, i.e. 0.001g/dL.

b. If the proficiency test results do not meet the above criteria, a second set will be issued. If these results are also unsatisfactory, the laboratory will not be approved. The laboratory may reapply for approval after six months.

c. If the laboratory proficiency test results are satisfactory, the division may then schedule an on-site evaluation.

#### B. On-site evaluation protocol.

1. The division will notify an independent laboratory of a pending on-site evaluation in writing at least three weeks in advance of the intended visit; the notification may include preliminary information sheets to be completed and returned to the division before the on-site evaluation occurs. The preliminary sheets will include name of laboratory, location, listing of personnel and important vitae, methods of analyses and updated list of equipment.

2. During the on-site evaluation, the approval team will evaluate the procedures and equipment, review the records and procedure manual for compliance with the criteria stated in these regulations and evaluate the effectiveness of the security system, internal chain of custody procedures, and laboratory's quality control program. The team will use a general laboratory survey form as a working guideline for the evaluation and will review the results of the evaluation at the end of the visit with the appropriate laboratory staff. The review will include observed deviations in procedures and records, recommendations for improvements as necessary, and a discussion of how the division may aid the local laboratory in its attempt to be approved.

NOTE: A laboratory may be required to perform blood alcohol determinations during the on-site review.

#### C. Approval status.

The approval team will prepare a formal narrative report and action memorandum for the approval authority. This report will contain all information pertinent to the evaluation and also recommend one of the following actions:

1. *Approved.* A laboratory that meets the minimum requirements as determined by the evaluation team using these regulations. The approval shall be effective for three years [ (in the absence of any deficiencies described in § 2.9 below) ].

2. *Provisionally approved.* A laboratory that has demonstrated its analytical capabilities but is judged deficient in its adherence to one or more of the administrative or procedural requirements of these regulations. A laboratory may be given a grace period of up to one year to correct deficiencies. In no case shall provisional approval be given if the evaluation team believes that the laboratory lacks the capability of performing the analysis. Laboratories placed in this category shall be reevaluated unless they can document in some other acceptable way that the deficiency has been corrected.

3. *Not approved.* A laboratory that does not meet the minimum requirements as determined by the evaluation team using these regulations. A laboratory in this category may appeal to the approval authority by requesting reevaluation. The results of a

reevaluation shall be sent to the independent laboratory within 30 days. Should the reevaluation confirm the "not approved" classification, the laboratory may correct the deficiencies noted and then begin the request for approval procedure again, including application fees.

§ 2.7. A laboratory wishing to maintain approval shall continue to meet the requirements listed in these regulations as well as pass annual performance evaluation studies. [ In addition, these laboratories shall be subject to periodic unannounced on-site visits by the approval team. ]

§ 2.8. An approved laboratory will be downgraded to a provisionally approved status for any of the following reasons:

1. Failure to analyze proficiency samples within the acceptable limits established by the division. The division will send four proficiency samples for analysis every four months. To maintain an approved status a laboratory must report results within the acceptable range (see § 2.6.A.4.a) on at least three out of the four samples. Failure to meet this standard at any one time will result in downgrading to provisional approval. Failure to meet this standard on any two consecutive proficiency sample series will result in a not approved status. After downgrading to a provisionally approved status, a laboratory may request quality control samples and technical assistance to help identify and resolve the problem. A provisionally approved status will continue until the laboratory's analyses of follow-up performance evaluation samples produce data within the acceptable limits established by the division.

2. Failure of an approved laboratory to notify the division within 60 days of major changes in personnel, equipment, laboratory location, or methodology which might impair analytical capability.

3. Failure to satisfy the division that the laboratory is maintaining the required standard of quality based upon an on-site evaluation.

4. Failure to report results within four weeks of receipt of samples (either proficiency samples or court samples).

During the provisional status period, which may last up to one year, the laboratory may continue to analyze samples until it resolves its difficulties or is downgraded further to the nonapproved status.

§ 2.9. A laboratory will be downgraded from an approved or provisionally approved status to a not approved classification for the following reasons:

1. Failure to adhere to acceptable methods of analyses.

2. Failure to analyze consecutive sets of proficiency samples within the acceptable limits and time frames established by the division.

3. A second failure to report results to the court within the four week time frame.

4. Submitting a blood alcohol sample to another laboratory for analysis and reporting data as its own.

5. Failure to correct identified deviations by the time specified by the approving authority.

6. Permitting persons other than qualified laboratory personnel to perform and report results to the courts.

7. Failure to maintain acceptable security or custody of samples.

8. Falsifying data or using other deceptive practices.

§ 2.10. Approval will be reinstated when and if the laboratory can demonstrate to the approval authority's satisfaction that the deficiencies which produce provisionally approved status or revocation have been corrected. This may include an on-site evaluation, a successful analysis of samples on the next regularly scheduled proficiency study, or any other measure the approval authority deems appropriate.

§ 2.11. An approved independent laboratory will be notified in writing by the division of its next on-site evaluation which will be approximately 36 months from the previous approval. The continuing on-site evaluations will be performed essentially the same as the initial visit with emphasis on past deviations and their corrections.

## Article 3. Technical Requirements.

§ 2.12. Quality control.

A written description of a laboratory's quality control program shall be available; this program shall emphasize:

1. The use of approved analytical procedures.

2. Adequate training of laboratory personnel.

3. Calibration procedures, intervals, and standardizations to ensure control of the system.

4. Compliance with all sampling criteria.

5. A current working manual of procedures in an area readily available for the working analyst. The manual shall contain procedures used for each parameter, descriptions of how the procedures are EXACTLY performed (NOT how they should ideally be performed), calibration and standardization procedures, and appropriate references regarding their

# Final Regulations

---

use.

6. Calibration results and dates.

7. Preparation of standard curves requiring a sufficient number of known concentrations to establish linearity.

8. Appropriate record of alcohol standards including source, purity, date of receipt and security measures for storage.

9. Maintenance logs on appropriate instruments and equipment.

10. A system of recordkeeping for the handling, storage, logging, numbering, and reporting of samples.

11. A record of occurrences of out-of-control situations and the corrective actions taken to resolve the problem. The compilation of these records will develop into a good referencing guide for corrective actions of troubleshooting.

12. Records of alcohol analyses shall be confidential and shall be kept by the laboratory for three years. This includes raw data, calculations, and quality control data. A copy of each actual laboratory report shall be kept on file, including the name of the suspect; date of sample receipt; person receiving sample; data of analysis; person performing the analysis; result of analysis; date sample returned.

§ 2.13. The general analytical techniques recommended for alcohol determination are gas chromatography, enzymatic or dichromate oxidation. Alternate techniques may be employed only with written permission by the division.

§ 2.14. Analyses of all blood alcohol samples shall be performed at least in duplicate with appropriate controls and standards. Replicable results must agree within 10% or 0.010 g/dL of each other, whichever is greater. For reporting purposes, replicate DUI results will be averaged and rounded down to the nearest hundredth of a percent (0.01 g/dL).

Commonwealth of Virginia  
Department of General Services  
Division of Consolidated Laboratory Services  
Bureau of Forensic Science  
P. O. Box 999  
Richmond, Virginia 23208

APPLICATION FOR APPROVAL TO CONDUCT INDEPENDENT ANALYSIS IN  
DRIVING UNDER THE INFLUENCE CASES

BLOOD ALCOHOL //                    DRUGS IN BLOOD //                    BOTH //  
ORIGINAL APPLICATION // RENEWAL APPLICATION // REINSTATEMENT APPLICATION //

Laboratory Name: \_\_\_\_\_

Laboratory Address: \_\_\_\_\_

Laboratory Director: \_\_\_\_\_

Please attach the following:

1. Curriculum vita for Laboratory Director.
2. If laboratory is certified by other agencies, list name of certifying agency(s) and type(s) of certification(s).
3. Laboratory Quality Control Procedures. (See Regulations Part II, Article 4)
4. Check or Money Order made payable to Treasurer, Commonwealth of Virginia in the amount of:

\$300 for Drugs in Blood  
\$100 for Blood Alcohol  
\$350 for both of the above.

Note: By Regulation, a laboratory seeking approval for Drugs in Blood must also be approved for Blood Alcohol.

I hereby certify that I have reviewed and understand the REGULATIONS FOR APPROVAL OF INDEPENDENT LABORATORIES TO CONDUCT ANALYSES IN DRIVING UNDER THE INFLUENCE CASES and I certify that the information contained in this application is correct.

\_\_\_\_\_  
Signature of Laboratory Director

\_\_\_\_\_  
Date

# Final Regulations

## DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

**Title of Regulation:** Technical Amendment (HCFA PM 87-14): State Plan for Medical Assistance.

**Statutory Authority:** § 32.1-325 of the Code of Virginia.

**Effective Date:** March 31, 1988

**REGISTRAR'S NOTICE:** This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes from Article 2 regulations which are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Due to its length, the amendments to the State Plan for Medical Assistance are not being published; however, a summary has been provided. The regulation may be viewed at the office of the Registrar of Regulations or the Department of Medical Assistance Services.

### Summary:

*Section 32.1-324 C of the Code of Virginia authorizes the Director of the Department of Medical Assistance Services, in lieu of the board, to administer and amend the State Plan for Medical Assistance with the approval of the Governor.*


*As the Social Security Act is modified, so, too, the preprinted plan pages must be brought up to date to conform to the latest federal statutory changes. This plan action is necessary to incorporate into the Commonwealth's Plan for Medical Assistance the latest preprinted plan pages as issued by the Health Care Financing Administration (HCFA). The HCFA requires this perfunctory filing action of all the states.*

*Periodically, in response to federal statutory changes, the HCFA issues new preprinted pages to the states and requires them to be filed, as plan amending actions, for official inclusion into the states' respective State Plans. This is just such an action and makes no changes to operating policy or procedures nor impacts recipients or providers.*

*The department will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.*

### Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the State Plan for Medical Assistance is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire plan will not be printed in the Virginia Register of Regulations. Copies of the plan are available for inspection at the Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia, and in the Office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

  
COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION  
General Assembly Building  
610 Capitol Street  
Richmond, Virginia

POST OFFICE BOX 340  
RICHMOND, VIRGINIA 23284  
(804) 781-2321

January 12, 1988

JOAN W. SMITH  
REGISTRAR OF REGULATIONS

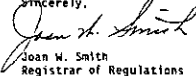
Ray T. Sorrell, Director  
Department of Medical Assistance Services  
Suite 1300  
600 East Broad Street  
Richmond, Virginia 23219

Re: Technical Amendment to Medical Assistance Plan

Dear Mr. Sorrell:

This will acknowledge receipt of the above-referenced regulation from the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,  
  
Joan W. Smith  
Registrar of Regulations

JMS:s11

## DEPARTMENT OF MINES, MINERALS AND ENERGY

**Title of Regulation:** VR 480-01-1. Public Participation Guidelines.

**Statutory Authority:** §§ 9-6.14:7.1 and 45.1-1.3(4) of the Code of Virginia.

**Effective Date:** March 2, 1988

### Summary:

*The regulations are procedures for the solicitation and participation of interested parties in the initiation, development and adoption of regulations required by state law to be promulgated by the Department of Mines, Minerals and Energy.*

VR 480-01-1. Public Participation Guidelines.

### PART I. PURPOSE AND AUTHORITY.

§ 1.1. These guidelines are designed to allow participation by the public in the formulation of regulations that are written to carry out the legislative mandates of the Virginia Department of Mines, Minerals and Energy (referred to in this document as "the department"). Although required by law, these rulemaking procedures also reflect the agency's commitment to an open forum for all points of view, and to a thorough analysis of many possible courses of action in regulatory development. These guidelines actually are true regulations themselves, as required by § 9-6.14:7.1 of the Code of Virginia. They have been adopted under the rulemaking authority of the department, as prescribed in § 45.1-1.3(4) of the Code of Virginia, and are subject to the same provisions of the Virginia Administrative Process Act (APA) as are all regulations. The Public Participation Guidelines apply to all regulatory actions of the department except emergency adoptions, which are covered by separate provisions, and certain exempt activities specified in Article 1 of the APA (§ 9-6.14:4.1 of the Virginia Code). Depending on the nature of the regulation, the Director of the Department, the Chief of the Division of Mines, the Virginia Oil and Gas Commission, the Well Review Board or the Board of Surface Mining Review may be authorized to promulgate regulations. apply to the appropriate individual or group authorized to initiate and carry out the regulatory process. These guidelines supersede the public participation guidelines that were transferred January 1, 1985 when the department took over certain regulatory programs from the Department of Labor and Industry and the former Department of Conservation and Economic Development (Acts of Assembly 1984, c. 590, cl. 6).

## PART II. INITIATING THE RULEMAKING PROCESS.

§ 2.1. The department may initiate rulemaking at any time. However, it shall do so according to the provisions of these regulations and the Administrative Process Act.

§ 2.2. The promulgating authority shall consider all written requests for regulatory change. Any individual or group may petition the promulgating authority to create, amend or abolish any regulation. The promulgating authority shall consider all petitions and other written requests, but may choose not to initiate rulemaking. To be considered, a petition shall contain:

1. The name, address and telephone number of the petitioner.
2. The new regulation, amendment or repeal action proposed by the petitioner.
3. The reasons for requesting the rulemaking.
4. The anticipated effects of making the requested regulatory changes, including costs to various parties.
5. The anticipated effects of not making the requested regulatory changes.

§ 2.3. The department recommends that all petitioners include documentation to support their requests for rulemaking.

## PART III. IDENTIFYING INTERESTED PARTIES.

§ 3.1. Whenever the promulgating authority decides to initiate rulemaking, the department shall identify the various parties that may have an interest in the regulation or regulations being considered, using the following procedures:

A. The department shall compile a regulatory mailing list composed of the names and addresses of parties who have expressed an interest in commenting on regulatory actions proposed by the department. The department initially shall determine who has such an interest through an exploratory mailing to all parties on the department's existing mailing lists, and to parties who previously have expressed interest in the department's regulatory activities. To be included on the initial regulatory mailing list, parties shall respond in writing within 30 days after the date of the exploratory mailing.

B. In the exploratory mailing, the department also shall ask respondents to indicate whether they are willing to serve on committees to develop regulations. The regulatory mailing list shall categorize each party according to the type or types of regulations in which the party has expressed an interest, and indicate whether the party has agreed to serve on a regulation work committee.

C. The department shall keep the regulatory mailing list current by periodically adding the names and addresses of parties expressing an interest in regulatory activities, of parties who comment on the department's regulatory actions, and of parties otherwise identified by the department staff; and by deleting the names and addresses of parties no longer expressing such an interest.

## PART IV. DRAFTING REGULATORY CHANGES.

§ 4.1. Whenever the promulgating authority initiates rulemaking, the department shall solicit public participation in the development of regulations, using the following procedures:

A. The department shall form a work committee of parties who have agreed to serve on committees to develop regulations of the type being considered; or, in cases where the promulgating authority determines the proposed action does not warrant formation of a new committee, the department may submit the proposal for regulatory action to a standing public committee or advisory board of the department for review and development. In such cases, the promulgating authority shall determine that the committee or board he chooses has the expertise to review the type of regulation being



# Final Regulations

---

considered.

B. Taking into consideration the comments of the group participating in regulatory development, the department shall produce a working draft of the proposed regulatory changes to be offered for public review.

## PART V. NOTIFYING INTERESTED PARTIES.

§ 5.1. Whenever the department develops a working draft of a proposed regulatory change, the department shall notify interested parties of its intention to make such regulatory changes, using the following procedures:

A. The department shall compose a Notice of Intended Regulatory Action in the format prescribed by the Registrar of Regulations, and a media release containing the information in the notice. Both documents shall specify a deadline for submitting written comments regarding the intended regulatory action. If the promulgating authority decides to conduct a public meeting for review of working drafts, then the notice and the media release shall specify the date, time and location of that public meeting.

B. The department shall submit the Notice of Intended Regulatory Action to the Registrar of Regulations for publication in the Virginia Register on a date 15 to 30 days prior to the end of the comment period.

C. Between 15 and 30 days prior to the end of the comment period, the department shall:

1. Deliver a copy of the Notice of Intended Regulatory Action to all parties on the regulatory development list who have expressed an interest in the type of regulations being considered;

2. Deliver a copy of the media release to at least one general circulation newspaper published in the state capitol, and to any other news media the department deems suitable.

## PART VI. FORMAL REVIEW.

§ 6.1. After consideration of comments received from the public, the department shall prepare a final draft of the proposed regulatory changes and submit this draft to the promulgating authority for his review.

§ 6.2. When the promulgating authority decides to proceed with rulemaking, the department shall submit the proposed regulation to a 60-day final comment period according to the provisions of the Virginia Administrative Process Act and the Virginia Register Act.

A. The department shall forward to the Registrar of Regulations a notice of the comment period and public hearing. The notice shall state the legal authority for the

department to act; the deadline for comments on the proposed regulation; the date, time and location of the public hearing; and the name, address and telephone number of a person to contact for further information about the proposed regulation. The department shall include with the notice the full text of the proposed regulation, statements of the basis, purpose and impact of the proposed regulation, and a summary of the regulation.

B. The department shall send a copy or summary of the proposed regulation to all parties on the regulatory development list who have expressed an interest in the type of regulation being considered, and to all others who have commented on the proposed regulatory changes. This draft shall be accompanied by a letter explaining the deadlines and procedures for submitting formal public comments under the Administrative Process Act.

C. The department shall request the Registrar of Regulations to publish the public hearing notice in the Virginia Register, in a Richmond area newspaper, and in other newspapers as requested by the department, at least 60 days before the end of the comment period.

D. During the final comment period, the proposed regulations will be reviewed concurrently by the public, the Governor, the General Assembly, the Secretary of Economic Development and the Attorney General.

## PART VII. ADOPTION.

§ 7.1. Upon expiration of the public comment period, the department shall carry out the remaining steps to adopt the regulations according to the provisions of the Administrative Process Act.

## STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

Title of Regulation: VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Effective Date: March 1, 1988

### Summary:

The final regulations establish a minimum entry level educational requirement, a program of continuing education, and a fee for certification of preceptors. These requirements address the issue of professional competency and coverage of administrative costs related to preceptor certification.

The final amendments to the proposed regulations clarified the number of hours of continuing education required to mean classroom hours. The residency

*experience in nursing home administration was clarified to mean a minimum of 400 hours as being a part of an applicant's regular curriculum in a health administration or nursing field. Educational hours required for those persons entering a nursing home training program have been broadened to include business and health care administrative courses.*

*Section 2 (Entry) is rearranged to reflect a harmonious and sequential flow of material to facilitate retrieval of certain materials all under a given topic.*

*Language was added to clarify the board's intent in promulgating the regulations in several sections. References to fees required was retained in the sections under Fees. The provision for reinstatement was deleted.*

VR 500-01-2. Rules and Regulations of the State Board of Examiners for Nursing Home Administrators.

## PART I. GENERAL.

### § 1.1. General Definitions.

The following definitions shall apply in these regulations unless the context clearly requires a different meaning. (§ 54-1.28)

"Nursing home administrator" shall mean any individual who is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals. (§ 54-900(b))

"Nursing home" shall mean any institution or facility or part thereof required to be licensed under the provisions of Chapter 16 ( section 32-297 § 32.1-123 et seq.) of Title 32 of this Code as amended the Code of Virginia , and the rules and regulations promulgated pursuant to Section 32-301 § 32.1-127 thereof, as a nursing home, including but not limited to nursing homes owned or administered by any agency of the Commonwealth of Virginia or by any political subdivision thereof. (§ 54-900(e))

"Examination" means a two-part written examination and an oral examination personal interview required by the board. (§ 54-1.28)

"Preceptor" means a currently licensed nursing home administrator certified in accordance with §§ 2.7 and 2.8 of these regulations who conducts an approved Administrator-in-Training (A.I.T.) program.

### § 1.2. License required.

As a condition of employment In order to engage in the

general administration of a nursing home, it shall be necessary to hold a valid license. (§ 54-901.1)

### § 1.3. License renewal required.

1.3.1 A. Licenses issued under these regulations shall expire on December 31 of each odd numbered year. The Department of Commerce shall mail a renewal notice to the licensee, outlining the procedures for renewal. Failure to receive this notice shall not relieve the licensee of the obligation to renew. (§ 54-1.28)

1.3.2 B. Each licensee applying for renewal shall return the renewal notice and fee of \$100 [ of \$125 ] established by the board pursuant to § 54-1.28:1 of the Code of Virginia, to the Department of Commerce prior to the expiration date shown on the license. Any licensee failing to receive the renewal notice may [ timely submit substitute ] acopy of the license together with a [ written ] request for renewal [ in writing ] and the required fee. (Section 54-1.28)

1.3.3 C. If the licensee fails to renew [ requests renewal of fails to renew ] the license within 30 days after the [ expiration ] date [ it expires ], a penalty fee of [ \$100 \$125 ] established by the board pursuant to § 54-1.28:1 [ for administrative costs of the Code of Virginia ] shall be required[ to renew the license ; ] in addition to the renewal fee. (§ 54-1.28)

1.3.4 [ D. If the licensee ] fails to [ requests renewal of the license after 30 days but within six months of the expiration date on the license, the licensee ] must [ shall apply for reinstatement by submitting the reinstatement form and a renewal fee ] of \$100 [ established by the board pursuant to § 54-1.28:1 plus the ] penalty [ fee ] of \$100 [ specified in § 1.3(C) of these regulations : ]

1.3.5 [ E. Upon receipt of the reinstatement application and fees, the board may grant reinstatement of the license or require requalification, reexamination, or both before granting the reinstatement. ] (§ 54-1.28)

[ F. D. ] If the licensee fails to renew the license by June 30 of the year following expiration, the applicant shall then apply as a new applicant and shall be required to successfully complete the requirements for examination.

### § 1.4. Examination.

1.4.1 A. The examination will be given in three parts [ as follows ]: (§ 54-1.28)

1.4.1.1 1. Part I is an objective-type written examination given nationally. (§ 54-1.28, 54-901.1)

1.4.1.2 2. Part II is an objective-type written examination covering the Rules and Regulations for the Licensure of Nursing Homes in Virginia issued by the Virginia State Health Department. (§ 54-1.28, 54-901.1)

# Final Regulations

~~1.4.1.3~~ 3. Part III is ~~an oral examination~~ a personal interview to evaluate the applicant's communication skills. (~~§ 54-1.28, 54-901.1~~)

~~1.4.1.4~~ B. To pass the examination, an applicant shall successfully complete all parts within 12 months of the date on which the application is received by the board. If the A.I.T. program completion date has been extended, the applicant shall successfully complete all parts within the extended period. (~~§ 54-1.28, 54-901.1~~)

~~1.4.2~~ C. An applicant may make a written request to take the scheduled examination immediately most closely preceding the expected completion of the required formal education requirement or administrator-in-training program. (~~§ 54-1.28~~)

D. If early examination is granted pursuant to § 1.4(C) of these regulations, licensure shall be deferred until applicant successfully completes all requirements of either the baccalaureate degree as specified in § 2.2(B) of these regulations (~~§ 54-1.28~~) or the Administrator-in-Training program specified in § 2.2(C) of these regulations.

## § 1.5. Continuing education.

In renewal applications, maintenance of competency shall be demonstrated by documentation of [ attendance at ] 30 [ classroom ] hours of [ attendance at ] courses previously approved by the National Association of Boards (NAB) or such other regulatory certifying body the board may hereafter approve within the current two-year licensure period. (~~§ 54-1.28~~)

## § ~~1.5~~ 1.6. Fees.

All fees are nonrefundable and shall not be prorated. [ They are established as follows: All fees shall be established by the board pursuant to § 54-1.28:1 of the Code of Virginia. ] (~~Section § 54-1.28~~)

~~1.5.1~~ 1. The application fee for a nursing home administrator is \$100 [ is \$125 and ] shall be established by the board pursuant to § 54-1.28:1. (~~Section 54-1.28~~)

~~1.5.2~~ 2. The reexamination fee is \$50 for each part of the examination failed [ is \$75 for each part of the examination failed and ] shall be established by the board pursuant to § 54-1.28:1. (~~Section 54-1.28~~)

~~1.5.3~~ 3. The application fee for the Administrator-in-Training program is \$100 [is \$100 and ] shall be established by the board pursuant to § 54-1.28:1. (~~Section 54-1.28~~)

4. The penalty fee for additional administrative costs for late renewal [ for reinstatement is \$125 and ] shall be established by the board pursuant to § 54-1.28:1.

5. The application fee for certification as a preceptor

[ is \$50 and ] shall be established by the board pursuant to § 54-1.28:1.

## PART II. ENTRY.

### § 2.1. General requirements.

To qualify for a license as a nursing home administrator, an applicant:

~~2.1.1~~ 1. Shall be at least 21 years of age as attested to before a Notary Public when application is signed; demonstrated by such legal documentation as a copy of the birth certificate, passport, or valid driver's license and attested to before a notary public when application is signed; and

2. Shall never have been convicted of a felony involving a crime against a person; and

3. Shall never have been convicted of any other act which is a felony under the laws of the Commonwealth or of the United States, except that a person convicted of such other act which is a felony may become eligible for licensure if, within five years after the date of final release, no additional felonies have been committed; and

4. Shall declare that he does not use liquors, narcotics, or other drugs to the extent that it impairs his performance as an administrator.

### § 2.2. Ways to become licensed.

#### ~~2.2.1~~ A. License through endorsement.

The board may issue a Virginia license to any person by endorsement when:

~~2.2.1.1~~ 1. The An approved national nursing home administrator's written examination was passed by the person under the laws of the base licensure state;

2. The person holds a current license from any state;

~~2.2.1.2~~ 3. The person has met the requirements of this board or has equivalent qualifications acceptable to the board [ and has ] provided sufficient written evidence of [ these ] equivalent qualifications at the time of [ eurrent licensure, which the board may find acceptable application for licensure ];

~~2.2.1.3~~ 4. The person has successfully completed the written examination covering nursing home regulations in Virginia; and

5. The person has successfully completed the oral examination personal interview.

#### ~~2.2.2~~ B. License by examination.

To take the examination without having completed the A.I.T. program :

1. An applicant must have a baccalaureate or higher degree in nursing home administration or in a health administration field from an accredited institution of higher learning. (§ 54-1.28); and

~~2.2.2.1~~ 2. The applicant's regular curriculum must have included a [ minimum ] 400 hour residency experience in nursing home administration. (§ 54-1.28)

2.3 C. License by Administrator-in-Training (A.I.T.) program and examination. (§ 54-1.28)

~~2.3.1~~ 1. Education. An applicant may be approved by the board to enter the A.I.T. program described in §§ 2.3 through 2.6 of these regulations by showing evidence of successfully completing high school. (§ 54-1.28) successful completion of [ a total of ] 60 semester hours of education in [ the field of ] business administration[ or and ] health care [ administration related fields ] in an accredited institution of higher learning [ ; and . ]

[ 2. The applicant shall have completed more than one-half of the required hours in courses which are directly related to the Core of Knowledge as defined by Title XIX of the Social Security Act. Appendix A. ]

## § 2.3.2 2.3. Training program.

The A.I.T. program shall consist of 2,080 hours of continuous training [ to be completed within not less than 12 months and not more than 24 months. Training shall be conducted ] in a licensed nursing home facility as defined in Section 2: [ § 2. A, B, C or D ] 3: [ § 2.3 C 1, 2 or 3 ] under the direct supervision of any licensed nursing home administrator approved by the Board as a preceptor a board certified preceptor in accordance with [ §§ 2.7 and 2.8 § 2.5 A and B ] of these regulations. (§ 54-1.28) [ Extension may be granted by the board on an individual case basis. ]

2.3.3 A. The [ licensed nursing home administrator/ board certified ] preceptor shall be a nursing home administrator in full-time practice residence in the facility where the A.I.T. is being trained. (§ 54-1.28)

2.3.4 B. [ Maximum training program time is two years. Extension may be granted by the board on an individual case basis. ] (§ 54-1.28) [ The curriculum shall be designed to include the Core of Knowledge as defined by Title XIX of the Social Security Act as

## [ C. EXCEPTIONS TO A.I.T. PROGRAM REQUIREMENTS.

An A.I.T. applicant with prior health care work experience may request approval to participate in a modified A.I.T. program subject to the following:

1. Nonprofessional. Up to a maximum of 200 hours can be applied toward the A.I.T. program total of 2,080 hours by an employee who is not in the professional-administrative level and who has been employed for the last three years in a Virginia licensed nursing home.

2. Professional. Up to a maximum of 1,000 hours can be applied toward the total of 2,080 hour A.I.T. program provided the professional employee has been employed full-time for four of the last five years in a Virginia licensed nursing home.

3. Hospital administrators. Up to 1,000 hours credit may be applied toward the 2,080 hour A.I.T. program. ]

2.3.5 Facility for training [ C. The facility in which the training will take place shall be have a preceptor in full-time residence, and shall be : ] (§ 54-1.28)

2.3.5.1 [ 1. A nursing home, licensed by the Department of Health, Commonwealth of Virginia, or - (§ 54-1.28)

2.3.5.2 [ 2. An institution licensed by the State Mental Health, Mental Retardation and Substance Abuse Services Board, or ] (§ 54-1.28)

2.3.5.3 [ 3. A certified nursing home owned or operated by an agency of the Commonwealth or of the United States government, or ] (§ 54-1.28)

2.3.5.4 [ 4. A certified nursing home unit located in and operated by a general and or special hospital licensed under procedures of "Rules and Regulations for Licensure of General and Special Hospitals." ] (§ 54-1.28)

5. A facility with a preceptor in residence (See section 2.3.3). (§ 54-1.28)

## § 2.3.6 2.4. [ Training program requirements and procedures. Board developed training program. ]

2.3.6.1 [ A. The A.I.T. shall train 2,080 hours, to be completed within not less than 12 months and not more than 24 months. ] (§ 54-1.28)

2.3.6.1.1 [ 1. EXCEPTION: An A.I.T. applicant with prior health care work experience may request approval to participate in a modified A.I.T. program subject to the following: ] (§ 54-1.28)

2.3.6.1.1.1 [ a. Nonprofessional: Up to a maximum of ] two hundred ( [ 200 ] ) [ hours can be applied toward the A.I.T. program total of 2,080 hours by an employee who is not in the professional-administrative level and who has been employed for the last three years in a Virginia licensed nursing home. - ( § 54-1.28)

# Final Regulations

2.3.6.1.1.2 [ ~~B~~. Professional: Up to a maximum of ] one thousand (1000) [ ~~1,000~~ hours can be applied toward the total 2,080 hour A.I.T. program provided the professional employee has been employed full-time for four ] (4) [ of the last five ] (5) [ years in a Virginia licensed nursing home. ] (§ 54-1-28)

2.3.6.1.1.3 [ ~~C~~. Hospital administrators. ] May request [ ~~Up to 1,000 hours credit may be applied~~ toward the 2,080 hour A.I.T. program. ] (§ 54-1-28)

2.3.6.2 [ ~~B~~. ] The board shall develop a training program based on the nine points in the Core of Knowledge as defined in Title XIX of the Social Security Act. This program shall be used by all trainees. (§ 54-1-28)

[ ~~C~~. A. ] No trainee may begin training without written board approval.

[ ~~D~~. B. ] Retroactive approval of an A.I.T. program starting date is not permitted.

## § 2.4 [ ~~2.5~~. Quarterly reports.

The preceptor shall submit to the board a training progress report for the A.I.T. at the end of each quarter. ] (§ 54-1-28)

2.4.1 [ A. Before the beginning of the A.I.T. program, the preceptor shall develop a list of objectives geared to the specific needs of the individual. This will be used to assist the A.I.T. in measuring progress in the program. ] (§ 54-1-28)

2.4.2 [ B. The A.I.T.'s final quarterly report shall be submitted to the board within 30 days following the completion of the program. Upon receipt and acceptance of all documents, the Department of Commerce will send to the A.I.T. an application to sit for the Nursing Home Administrators' Examination. This shall be completed by the A.I.T. and returned to the department. - (§ 54-1-28)

## § 2.5 [ ~~2.6~~. 2.5 ] Preceptor [ qualification ].

[ A. Qualification. ]

Each nursing home administrator/preceptor, hereinafter called "preceptor" shall: (§ 54-1-28)

2.5.1 1. Be an administrator currently licensed and approved by the board ; (§ 54-1-28) and

2.5.2 2. Have served as a full-time administrator for a minimum of two years immediately prior to the preceptorship. (§ 54-1-28)

[ § ] 2.6 [ ~~2.7~~. Preceptor B. ] Certification.

A qualified applicant for preceptorship may be approved by the board upon receipt of a completed application and

payment of the fee established by the board pursuant to § 54-1-28:1 pertaining to the A.I.T. program.

[ § ] 2.6 [ ~~2.8~~. C. ] Ratio of preceptor to administrators-in-training.

No preceptor shall supervise and train more than two A.I.T.s at any time. unless the Board approves the preceptor's documentation indicating how additional AIT(s) can be adequately trained without disrupting the nursing home patients' surroundings. (§ 54-1-28)

[ § ~~2.9~~. D. ] Change in preceptor.

~~2.7.1~~ If the approved preceptor is unable to fulfill the approved program of an A.I.T., a new preceptor shall be obtained immediately. No training shall be conducted until the new preceptor has been approved by the board. Any lapse in time between approved preceptors shall necessitate an equal amount of time being added to the training period. In special circumstances the board, upon application thereof, may authorize additional time in which a new preceptor may be secured. If an alternate training plan is developed, it shall be submitted to the board for approval. (§ 54-1-28)

[ § 2.6. Reporting requirements.

The preceptor shall submit to the board a training progress report for the A.I.T. at the end of each quarter.

1. Before the beginning of the A.I.T. program, the preceptor shall develop a list of objectives geared to the specific needs of the individual. This will be used to assist the A.I.T. in measuring progress in the program.

2. The A.I.T.'s final quarterly report shall be submitted to the board within 30 days following the completion of the program. Upon receipt and acceptance of all documents, the Department of Commerce will send to the A.I.T. an application to sit for the Nursing Home Administrators' Examination. This shall be completed by the A.I.T. and returned to the department.

## § 2.7. Facility.

The facility in which the training will take place shall be:

1. A nursing home, licensed by the Department of Health, Commonwealth of Virginia, or

2. An institution licensed by the State Mental Health, Mental Retardation and Substance Abuse Services Board, or

3. A certified nursing home owned or operated by an agency of the Commonwealth or of the United States government; or

4. A certified nursing home unit located in and operated by a general or special hospital licensed under procedures of "Rules and Regulations for Licensure of General and Special Hospitals." ]

PART III.  
STANDARDS OF PRACTICE.

§ 3.1. The board may discipline a licensed nursing home administrator for any violation of regulations promulgated by the board or any improper conduct, including, but not limited to: (§ 54-1-28)

~~3-1-1~~ 1. Demonstrated inability to fulfill the duties and responsibilities of a nursing home administrator as outlined in the State Health Department's Rules and Regulations for the Licensure of Nursing Homes in Virginia. (§ 54-1-28)

~~3-1-2~~ 2. Negligence in the performance of the duties and responsibilities of a licensed nursing home administrator as specified in § 3.1(1) above. (§ 54-1-28)

~~3-1-3~~ 3. Malfeasance in the performance of duties by the licensed nursing home administrator as specified in 3.1(1) above. (§ 54-1-28)

~~3-1-4~~ 4. Failure to comply with federal, state or local laws and regulations applicable to the profession. (§ 54-1-28)

~~3-1-5~~ 5. Conviction of a felony including but not limited to crimes against the person, sexual crimes, fraud, larceny, abuse of patients, bodily harm, chemical or alcohol abuse and/or drug trafficking. (§ 54-1-28)

~~3-1-6~~ 6. Failure to provide to the board correct and complete information while serving as an approved preceptor. (§ 54-1-28)

~~3-1-7~~ 7. Failure to comply with board regulations and provide the training approved by the board while serving as an approved preceptor for an administrator-in-training. (§ 54-1-28)

Appendix A

The Core of Knowledge referred to in this program consists of the disciplines under the federal guidelines:

A. Applicable standards of environmental health and safety.

1. Knowledge of local, state and federal regulations applicable to nursing homes. (Example: HHS Conditions of Participation for Medicare (Title XVIII), and Medicaid (Title XIX).

2. Resources: Local and state health departments, local and state regulatory agencies, and federal regulatory

agencies (HHS, Etc.).

B. Local and state health and safety regulations.

C. General administration.

D. Psychology of patient care.

1. Resources: Staff, patient and advisory physicians; social worker and patient's social history; principles and techniques of long term care nursing (director of nursing, nursing supervisors).

E. Principles of medical care.

1. Resources: Medical director, staff, patient and advisory physicians, medical colleges, especially those offering degree programs in Health Care Administration or Long Term Health Care.

F. Personal and social care.

1. Resources: Nursing staff, social workers, activities director and administrators.

G. Therapeutics and supportive care and services in long term care.

1. Resources: Dietary, physical therapy, occupational therapy, clinic, social services, volunteers, family and pharmacist.

H. Departmental organization and management administrator, advisor physicians, director of nursing, food service manager, laundry and housekeeping supervisor, and maintenance supervisor.

I. Community interrelationships.

1. Resources:

a. Hospitals

b. Hospice programs

c. Other nursing homes

d. Homes for the adults

e. Retirement or life care communities

f. Home health care

g. Health department

h. Social service agencies

[ i. Department for the Aging

j. Area agencies on aging ]

# Final Regulations

---

- [ i. k. ] Clinics
- [ j. l. ] Physicians
- [ k. m. ] Medical societies
- [ l. n. ] Regulatory agencies
- [ m. o. ] Long term care professional associations
- [ n. p. ] Advocates for the aged
- [ o. q. ] Ombudsman
- [ p. r. ] Volunteers
- [ q. s. ] Educators
- [ r. t. ] Schools
- [ s. u. ] Religious communities

# EMERGENCY REGULATION

## DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-23-01. Disease Reporting and Control.

Statutory Authority: § 32.1-35 of the Code of Virginia.

Effective Date: January 4, 1988

Decision Brief Outline  
December 2, 1987

### Request:

Approve an emergency regulation that every physician report to the local health department those persons identified as infected with human immunodeficiency virus (HIV), when the physician needs the department's support to provide counseling to the sexual and needle sharing partners of those persons. HIV is the cause of AIDS.

### Recommendation:

Made by Health Commissioner, C. M. G. Buttery, M.D., M.P.H., pursuant to the following position adopted by the Board of Health on October 2, 1987:

"It is the position of the State Board of Health that physicians should be required to report to the Department of Health those persons identified as infected with human immunodeficiency virus (HIV) when the physician needs the Department's support in patient and contact counseling and epidemiologic tracking. Confidentiality is essential to the successful accomplishment of this position. The Department should provide epidemiologic support to physicians for follow-up of HIV positive patients reported."

Since the Commissioner's recommendation is in response to the position adopted by the Board, the authority for this is derived from § 32.1-19 of the Code, which empowers the Board.

### Concurrences

Secretary of Human Resources:

Concur

/s/ Eva S. Teig - December 10, 1987

### Authorization

Approve

/s/ Gerald L. Baliles - January 4, 1988

### Background:

*In Virginia, 566 cases of AIDS have been reported from May of 1982 through November 24, 1987. Six*

*cases were reported in 1982, 169 in 1986, and 223 cases so far this year. We estimate that over 3,000 Virginians will develop AIDS and another 150,000 will be infected with HIV by 1990. Currently, there is neither a vaccine nor a cure. Therefore, we must pursue our efforts to educate the citizens about how to prevent contracting the disease. One of the best ways to accomplish this is by counseling those infected with HIV, as well as their sexual and needle sharing partners.*

*As you may know, Virginia was the first state to offer HIV antibody testing and counseling in local health departments. This has brought the Commonwealth an accolade from the Centers for Disease Control (CDC). At the recent annual meeting of the American Public Health Association, an official of the CDC informed Deputy Secretary Maston T. Jacks that Virginia and California have the best state public health AIDS control programs in the nation.*

*Enacting the Board's proposal would be another important step in the control of HIV infection. Since AIDS/HIV infection is our number one public health priority, it is absolutely essential that we intervene as quickly as possible to help curb the spread of this disease. Over the past several months, scientists have been able to better characterize the significance of HIV antibody positive test results. Therefore, several experts now believe that selective testing for HIV antibodies coupled with counseling and testing of contacts of individuals who test positive, are vital in controlling this disease. The sooner we can give physicians the regulatory authority to report HIV antibody positive test results, the better we can accomplish this. The months required to enact this regulation in the usual manner would be a loss of valuable time. Therefore, we must adopt this as an emergency regulation. We do not anticipate any objections to such an action from physicians because reporting will be required only when they need assistance from the Department of Health. On the contrary, it would convince physicians and the general public as well that we are willing to take the measures necessary to control this epidemic. A mandate to report this information is necessary to override issues relating to patient confidentiality.*

*The Board's proposal is based on sound scientific evidence and has the complete support of the Department of Health's AIDS Medical Advisory Committee and several other medical authorities knowledgeable about AIDS. The Board also concluded that the discretion granted to physicians in the proposal would enhance cooperation among private physicians and public health authorities, an essential prerequisite for controlling this disease.*

*Approving the Board's proposal prior to the convening of the 1988 General Assembly would illustrate the priority which Virginia places on responding to AIDS,*



# Emergency Regulation

and the responsible manner in which the Board and Department of Health are carrying out their duty. In this regard, the Department of Health is preparing a document about AIDS, designed to provide legislators with a working knowledge about the subject. The document will be ready by mid-December. The information in it is intended to illustrate to legislators that the Commonwealth has an excellent and exemplary AIDS control program, and thereby reduce the likelihood that unworkable, scientifically and medically unjustified legislation will be introduced at the Session.

Scientific evidence about AIDS/HIV infection is constantly changing. Because regulations are easier to amend than legislation, it is highly preferable that the Board's intent be accomplished by amending the regulations.

VR 355-23-01. Disease Reporting and Control.

## Section 3.00

### PART 3. REPORTING OF DISEASE.

3.00 § 3.0. *Reportable Disease List.* The Board declares the following named diseases, toxic effects, and conditions to be reportable by the persons enumerated in Section 3.01 Part 3.1 :

#### 3.00-01 A. List of Reportable Diseases.

Acquired Immune Deficiency Syndrome	Measles (Rubeola)
Amebiasis	Meningococcal infections
Anthrax	Mumps
Arboviral infections	Nosocomial Outbreaks
Aseptic meningitis	Occupational Illnesses
Bacterial meningitis	Ophthalmia Neonatorum
Botulism	Pertussis
Brucellosis	Phenylketonuria (PKU)
Campylobacter infections	Plague
Chancroid	Poliomyelitis
Chickenpox	Psittacosis
Congenital Rubella Syndrome	Q fever
Diphtheria	Rabies in man
Encephalitis	Post-exposure rabies treatment
primary	Rabies in animals
post-infectious	Reye Syndrome
Foodborne Outbreaks	Rocky Mountain spotted fever
Giardiasis	Rubella
Gonorrhea	Salmonellosis
Granuloma Inguinale	Shigellosis
Hepatitis	Smallpox
A (infectious)	Syphilis
B (serum)	Tetanus
Non A, Non B	Toxic Shock Syndrome
Unspecified	Toxic substance related illnesses
Histoplasmosis	Trichinosis
Human Immunodeficiency Virus (HIV) Infection	Tularemia
Influenza	Tuberculosis
Kawasaki's Disease	Typhoid Fever
Legionellosis	Typhus, flea-borne
Leprosy	Vibrio infections
Leptospirosis	
Lymphogranuloma venereum	

Malaria

including cholera  
Waterborne outbreaks  
Yellow Fever

3.00-02 B. Reportable Diseases Requiring Rapid Communication. Certain of the diseases in the List of Reportable Diseases, because of their extremely contagious nature and/or their potential for harm, require immediate identification and control. Reporting of these diseases, listed below, shall be made by the most rapid means available, preferably that of telecommunication (e.g., telephone, telegraph, teletype, etc.) to the local health director or other professional employee of the Department:

Anthrax	Poliomyelitis
Botulism	Psittacosis
Cholera	Rabies in man
Diphtheria	Smallpox
Foodborne outbreaks	Syphilis, primary and secondary
Measles (Rubeola)	Tuberculosis
Meningococcal infections	Yellow Fever
Plague	

3.00-03 C. Diseases to be Reported by Number of Cases. The following disease in the List of Reportable Diseases shall be reported as number-of-cases only: Influenza

D. *Diseases to be Reported under Special Circumstances.* Every physician shall report to the local health department those persons identified as infected with HIV when the physician needs the health department's support in patient and contact counseling and epidemiologic tracking. Only individuals who have positive blood tests for HIV antibodies as demonstrated by at least two enzyme-linked immunosorbent assays (done in duplicate at the same time or singly at different times), and another testing procedure such as the western blot are considered to have HIV infection.

3.00-04 E. Toxic Substances Related Diseases or Illnesses. Diseases or illnesses resulting from exposure to a toxic substance, shall include, but not be limited to the following:

Occupational Lung Diseases	Occupationally-Related Cancers
silicosis	mesothelioma
asbestosis	
byssinosis	

Furthermore, all toxic substances-related diseases or illnesses, including pesticide poisonings, illness or disease resulting from exposure to a radioactive substance, or any illness or disease that is indicative of an occupational health, public health, or environmental problem shall be reported.

The timeliness of reporting a toxic substances-related disease or illness shall reflect the severity of the occupational health, public, or environmental problem. If such disease or illness is verified, or suspected, and presents an emergency, or a serious threat to public health or safety, the report of such disease or illness shall be by rapid communication as in Section 3.00-02 Part 3.0

B.

~~3.00.05~~ F. Unusual or ill-defined diseases, illnesses, or outbreaks. The occurrence of outbreaks or clusters of any illness which may represent an unusual or group expression of an illness which may be of public health concern shall be reported to the local health department by the most rapid means available.

~~3.01~~ § 3.1. *Those Required to Report.*

~~3.01.01~~ A. Physicians. Each physician who treats or examines any person who is suffering from or who is suspected of having a reportable disease, or who is suspected of being a carrier of a reportable disease shall report that person's name, address, age, sex, race, name of disease diagnosed or suspected, and the date of onset of illness except that influenza should be reported by number of cases only and HIV infection shall be reported as indicated under Part 3.0 D. Reports are to be made to the local health department serving the jurisdiction where the facility is located.

Such reports shall be made on a form to be provided by the Department (CD-24) and shall be made within seven days unless the disease in question requires rapid reporting under Section ~~3.00.02~~ or ~~3.00.05~~ Part 3.0 B or 3.0 F. [Venereal diseases are reported on Form VD-35C in the manner described above].

By: /s/ C. M. G. Buttery, M.D., M.P.H.  
State Health Commissioner  
Date: November 19, 1987

By: Eva S. Teig  
Secretary of Human Resources  
Date: December 23, 1987

APPROVED:

By: /s/ Gerald L. Baliles  
Governor of Commonwealth  
Date: January 4, 1988

FILED:

By: /s/ Joan W. Smith  
Registrar of Regulations  
Date: January 4, 1988 - 2:50 p.m.

---

# DELEGATIONS OF DUTIES AND RESPONSIBILITIES

---

The 1987 General Assembly passed Legislation allowing an agency's chief executive officer to delegate to any officer or employee of his agency the duties and responsibilities conferred upon him by law and, in the case of an agency with a supervisory board, such board may delegate its duties and responsibilities. Section 1-17.2 of the Code of Virginia requires that when duties and responsibilities conferred or imposed upon a chief executive officer or supervisory board are delegated, such reports are to be published in the Virginia Register of Regulations as soon after filing as practicable.

## DEPARTMENT OF MOTOR VEHICLES

(Correction of entry printed 4:6 V.A.R. 560 December 21, 1987)

**Address:**

Department of Motor Vehicles  
2300 West Broad Street  
Richmond, Virginia 23220

**Telephone:** (804) 257-6600

**Title of Chief Executive Officer:**

Commissioner

**Duty or Responsibility Delegated:**

Carry out the responsibilities as outlined in Chapter 7 of Title 46.1 of the Code of Virginia-Motor Vehicle Dealer Licensing Act. This includes issuing and suspending licenses and conducting hearings.

**Position Receiving Delegation:**

Vehicle Services Administrator

\* \* \* \* \*

**Title of Chief Executive Officer:**

Commissioner

**Duty or Responsibility Delegated:**

Carry out the responsibilities as outlined in Chapter 6 of Title 46.1 of the Code of Virginia-Motor Vehicle Safety Responsibility Act. Section 46.1-396 states that the Commissioner shall administer and enforce provisions of Title 46.1, Chapter 6. Outlined ~~through~~ *throughout* this chapter are specific references to what the Commissioner shall and can do.

**Position Receiving Delegation:**

Driver Services Administrator

---

# GENERAL NOTICES/ERRATA

---

<b>Symbol Key †</b>
† Indicates entries since last publication of the Virginia Register

## BOARD OF BARBER EXAMINERS

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Barber Examiners intends to consider amending regulations entitled: **Virginia Board of Barber Examiners**. The purpose of the proposed regulation is to solicit public comment on all existing regulations as to its effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with its Public Participation Guidelines and Chapter 4.1 of Title 54 of the Code of Virginia.

Statutory Authority: § 54-1.28(5) of the Code of Virginia.

Written comments may be submitted until February 1, 1988.

**Contact:** Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8509 (toll-free 1-800-552-3016)

## DEPARTMENT OF COMMERCE

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Board for Certification of Operators of Water and Wastewater Works**. The purpose of the proposed regulation is to clarify and simplify areas pertaining to experience, education and the examination process.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until March 1, 1988.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8534, toll-free 1-800-552-3016, or SCATS 367-8534

## DEPARTMENT OF CORRECTIONS (STATE BOARD OF) Division of Youth Services

### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's

public participation guidelines that the Department of Corrections, Division of Youth Services intends to consider amending regulations entitled: **Rules and Regulations Governing Applications for Virginia Delinquency Prevention and Youth Development Act Grants**. The purpose of the proposed regulation is to provide regulations governing applications for Virginia Delinquency Prevention and Youth Development Act grants with respect to eligibility, developmental process, criteria for application review and funding, and the review process.

Statutory Authority: §§ 53.1-5 and 53.1-253 of the Code of Virginia.

Written comments may be submitted until June 1, 1988.

**Contact:** Thomas J. Northern, III, Delinquency Prevention Specialist, Department of Corrections, P. O. Box 26963, Richmond, Va. 23261, telephone (804) 367-1633 or SCATS 367-1633

## DEPARTMENTS OF CORRECTIONS; EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intends to consider amending regulations entitled: **Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children**. The purpose of the proposed regulation is to establish standards to provide children in residential facilities with at least a minimal level of care. The current effort is intended to amend and clarify those sections of the regulation that define which facilities are subject to regulation under the Core Standards. Only those sections of the regulation that define which facilities are subject to regulation will be considered for amendment.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-179.1, 63.1-196.4 and 63.217 of the Code of Virginia.

Written comments may be submitted until February 15, 1988.

**Contact:** John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

# General Notices/Errata

---

## DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Social Services intends to consider amending regulations entitled: **The Virginia Fuel Assistance Program**. The department is planning to develop policies and procedures for implementation of the 1988-89 Fuel Assistance Program, reducing the reimbursement for administrative cost in local departments of social services, any needed changes based on problems identified in the 1987-88 program. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until February 3, 1988, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

**Contact:** Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefit Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9050 or SCATS 662-9050

## DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Transportation intends to consider promulgating regulations entitled: **Minimum Standards of Entrances to State Highways**. The purpose of the proposed regulation is to establish guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

Statutory Authority: §§ 33.1-12, 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until February 23, 1988.

**Contact:** John L. Butner, Assistant State Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2965

## STATE WATER CONTROL BOARD

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **VR 680-16-05. York River Basin Water Quality Management Plan**. The purpose of the proposed amendment is to update the plan taking into consideration new or changed NPDES permits, new or changed no discharge certificates, current modeling, changes in water quality, studies, community and nonpoint source development, and institutional or financial arrangements for constructions and operation of facilities.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until 5 p.m., February 19, 1988.

**Contact:** Dale F. Jones, Office of Water Resources Planning, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-0061

## GENERAL NOTICES

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Animal Health

Division Administrative Directive Number: 87-1

Effective: December 31, 1987

#### EXCEPTIONS TO TESTING FOR EQUINE INFECTIOUS ANEMIA PURSUANT TO § 3(E) OF VR 115-02-05, RULES AND REGULATIONS PERTAINING TO THE HEALTH REQUIREMENTS GOVERNING THE CONTROL OF EQUINE INFECTIOUS ANEMIA IN VIRGINIA

#### I. PURPOSE.

This directive sets forth exceptions to testing for equine infectious anemia pursuant to § 3 (E) of VR 115-01-05, "Rules and Regulations Pertaining to the Health Requirements Governing the Control of Equine Infectious Anemia in Virginia."

#### II. AUTHORITY.

VR 115-02-05, Rules and Regulations Pertaining to the Health Requirements Governing the Control of Equine Infectious Anemia in Virginia.

### III. THE EXCEPTION.

Effective January 1, 1988, no testing will be required for sales or auctions reserved exclusively for assemblies of local horses.

A local horse is defined as an equine foaled or raised on a premises within a thirty-mile radius of the sale or auction, or, if it was purchased, that has been on a premises within a thirty-mile radius of the sale or auction for at least the last six months and has been owned by the present owner for at least the last six months.

Horses from other states qualify as local horses, so long as they satisfy the definition of a local horse, and so long as they meet the requirements of VR 115-02-12, "Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds Into Virginia," including the requirements of Section 8 (C), that equine entering Virginia be tested for equine infectious anemia no more than one year prior to entering Virginia, with such result indicated on the interstate health certificate, along with proper identification of the horse.

All horse owners and dealers consigning horses for sale at local sales or auctions, approved for an exemption from testing for equine infectious anemia, shall certify on form VDACS-03102 that such animals qualify under this directive for sale of local horses. (See Exhibit A.)

Managers and owners of equine markets may either sell all local horses (in which case the exemption will apply) or broaden the consignments they accept to include all horse owners and dealers, irrespective of the horses' origin (in which all horses, except those consigned for slaughter, shall be tested).

Any market manager or owner wishing to have his market approved for the exemption from testing shall make application to the Virginia State Veterinarian on form VDACS-03101. (See Exhibit B.)

As of January 1, 1988, previous exemptions granted to certain horse sales and auctions in Virginia are hereby cancelled, unless those sales and auctions reapply and qualify for the exemption prior to that date, under the terms of this directive.

### IV. PUBLIC HEARING.

No public hearing or comment has been solicited concerning the publishing of this directive. The State Veterinarian will receive, consider, and respond to, any petition for a hearing or for reconsideration of the contents of this directive.

Such petitions shall be submitted to the State Veterinarian, Division of Animal Health, Washington Building, Suite 600, 1100 Bank Street, Richmond, Virginia 23219, telephone (804) 786-2481.

Done in Richmond, Virginia, on this 1st day of January, 1988.

/s/ William D. Miller, D.V.M.  
State Veterinarian

VS 87-1 EXHIBIT A

OWNER'S CERTIFICATE THAT EQUINE CONSIGNED TO SALE OR AUCTION ARE LOCAL AND ENTITLED TO EXEMPTION FROM TESTING FOR EQUINE INFECTIOUS ANEMIA

I hereby make application to consign the equine identified below assembled for the sale or auction identified below. I certify that each meets the definition of a local horse (as defined below), and hence is entitled to exemption from testing for equine infectious anemia.

\_\_\_\_\_  
Name of sale or auction market (Please print or type.)

\_\_\_\_\_  
Day and place of sale or auction market (Please print or type.)

\_\_\_\_\_  
Date of application (Please print or type.)

\_\_\_\_\_  
Owner's name (Please print or type.)

\_\_\_\_\_  
Owner's signature

IDENTIFICATION OF EQUINE CONSIGNED TO AUCTION SALE

	Backtag Number	Color or Markings	City/County of Origin	State of Origin
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

A local horse is defined as an equine foaled or raised on a premises within a thirty-mile radius of the sale or auction, or, if it was purchased, that has been on a premises within a thirty-mile radius of the sale or auction for at least the last six months and has been owned by the present owner for at least the last six months.  
VDACS 03102 (12/87)

VS 87-1 EXHIBIT B

SALE'S OR AUCTION MARKET'S APPLICATION FOR EXEMPTION FROM TESTING FOR EQUINE INFECTIOUS ANEMIA

I hereby make application to have exempted from testing for equine infectious anemia the sale or auction market identified below. I certify that every horse in the sale will be a local horse, as defined by the State Veterinarian.

\_\_\_\_\_  
Sale or auction market name (Please print or type.)

\_\_\_\_\_  
Day and time of sale or auction (Please print or type.)

\_\_\_\_\_  
Manager's name (Please print or type.)

\_\_\_\_\_  
Date of application (Please print or type.)

\_\_\_\_\_  
Manager's signature

Warning: Failure to comply with the terms of any exemption granted pursuant to this application may result in the revocation of exemption.

A local horse is defined as an equine foaled or raised on a premises within a thirty-mile radius of the sale or auction, or, if it was purchased, that has been on a premises within a thirty-mile radius of the sale or auction for at least the last six months and has been owned by the present owner for at least the last six months.

VDACS 03101 (12/87)

## COUNCIL ON THE ENVIRONMENT

### † Public Notice

This is PUBLIC NOTICE of the intention of the Council on the Environment to include Virginia's Chesapeake Bay Initiatives, State 401 Certification under the Federal Clean Water Act, and the state's tributyltin (TBT) regulatory program in Virginia's Coastal Resources Management Program.

Virginia's Coastal Resources Management Program (VCRMP) was approved under the Federal Coastal Zone Management Act in October, 1986. The program is a coordination of existing state regulations and policies and a networking of state agencies to provide for environmentally sound development and resource conservation in Virginia's Tidewater area described in Executive Order 13 as all those counties and localities which, in whole or in part, lie east of the "fall line." The Council on the Environment, under the Secretary of Natural Resources, manages the program.

These inclusions in the VCRMP are routine program implementations (RPI's) rather than program amendments because they constitute routine rather than substantial changes to the enforceable and advisory policies of the program.

These RPIs are described briefly below:

RPI No. 1 - The addition of State Water Control Board § 401 Certification of applications for § 404 permits to the U.S. Army Corps of Engineers. Section 401 Certification and § 404 Permitting are part of the Federal Clean Water Act of 1977. The Virginia State Water Control Board assumed the responsibility for § 401 Certification in 1977 and authority is described in Virginia State Code Section 62.1-44.2 et seq. Prior to approval of the Clean Water Act, the Water Board issued Certifications of Reasonable Assurance.

RPI No. 2 - The inclusion of state regulations and policies regarding the use of tributyltin (TBT) in the Virginia Pesticide Use and Application Act. TBT is a pesticide used in marine anti-foulant paint. It is extremely toxic to many marine species and its use is detrimental to the aquatic ecology of Virginia's waters. The Departments of Game and Inland Fisheries, Agriculture and Consumer Services, and the Virginia Marine Resources Commission share the responsibility of enforcing the regulations.

RPI No. 3 - The inclusion of the programs and policies of Virginia's Chesapeake Bay Initiatives in the VCRMP. These initiatives are a comprehensive set of projects and programs planned and implemented as Virginia's Chesapeake Bay Program by various state agencies with interstate and intrastate coordination by the Council on the Environment under the Secretary of Natural Resources.

RPI No. 4 - The inclusion of a 1987 legislative change to the Coastal Primary Sand Dune Protection Act. The Act, which was amended in 1985 so as not to prohibit erosion control in Sandbridge, was again amended in 1987 in order to more clearly delineate the Sandbridge area and to ensure that the rights of adjacent property owners were not infringed upon.

Public comment on these changes, including, but not limited to, their content and inclusion as RPIs rather than amendments should be directed to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management within four weeks and may be mailed to:

Council on the Environment  
903 Ninth Street Office Building  
Richmond, VA 23219  
Keith J. Buttleman, Administrator

The formal text of these RPIs, comments by affected state agencies and copies of the VCRMP program document may be viewed at the above address. For information please contact David J. Kinsey, Coastal Resources Management Program Analyst at (804) 786-4500.

## STATE MILK COMMISSION

### † Public Hearing

Notice is hereby given that the Virginia State Milk Commission will hold a hearing on Wednesday, February 17, 1988, beginning at 11 a.m., in the Jackson Room, Mezzanine Level, of the John Marshall Hotel, Fifth and Franklin Streets, Richmond, Virginia.

This hearing is being held pursuant to § 3.1-437 of the Code of Virginia of 1950, as amended, and Regulation No. 12 of the Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia.

The purpose of this hearing is to receive evidence and testimony relative to adjusting all Class I prices by amending Regulation No. 8 of the current Rules and Regulations or by adopting a temporary pricing ORDER. In accordance with § 3.1-437 of the Code of Virginia of 1950, as amended, the commission shall be guided by all pertinent economic factors relevant to production, processing, and distribution of milk as they affect the public interest in maintaining an adequate supply of milk within Virginia.

All interested parties will be afforded an opportunity to be heard and to submit written proposals, objections, amendments, evidence and arguments. The commission will allow examination of witnesses only by those persons who have reserved their right of examination by filing a written notification of intent with the commission at 1015 Ninth Street Office Building, Richmond, Virginia 23219, by 12:00 O'Clock Noon on Friday, February 12, 1988.



# General Notices/Errata

---

## NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 .

### FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01  
NOTICE OF COMMENT PERIOD - RR02  
PROPOSED (Transmittal Sheet) - RR03  
FINAL (Transmittal Sheet) - RR04  
EMERGENCY (Transmittal Sheet) - RR05  
NOTICE OF MEETING - RR06  
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08

Copies of the 1987 Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

## ERRATA

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-03-08. Rules and Regulations for the Enforcement of the Virginia Seed Potato Inspection Law.

Publication: 4:6 VA.R. 481-482 December 21, 1987

#### Correction:

Page 481, in § 1, the second word of the first sentence should be *persons*, not *person*.

Page 481, the last word in § 1 should be *purposes*, not *potatoes*.

Page 481, in § 5, first sentence, the run-together word *agentsat* should be separated to read *agents at*.

Page 482, in § 7, first sentence, the run-together word *anadvisory* should be separated to read *an advisory*.

### DEPARTMENT OF SOCIAL SERVICES (BOARD OF) Division of Licensing Programs

Title of Regulation: VR 615-32-02. Regulation for Criminal Record Checks.

Publication: 4:6 VA.R. 541-545 December 21, 1987

#### Correction:

Page 543, § 3.2, the first line of subsection E was omitted and the remaining language followed directly at the end of subsection D.

Sections 3.2 D and 3.2 E should read:

*D. Duplicate certificates will be sent directly to the facilities.*

*E. All duplicate certificates shall be verified by the licensee or facility operator in accordance with § 2.3 of this regulation.*

Instead of:

*D. Duplicate certificates shall be sent directly to the facilities. or facility operator in accordance with § 2.3 of this regulation.*

---

# CALENDAR OF EVENTS

---

<b>Symbols Key</b>	
†	Indicates entries since last publication of the Virginia Register
☒	Location accessible to handicapped
☎	Telecommunications Device for Deaf (TDD)/Voice Designation



## NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

## VIRGINIA CODE COMMISSION

### EXECUTIVE

#### BOARD OF AGRICULTURE AND CONSUMER SERVICES

- † February 24, 1988 - 1 p.m. – Open Meeting  
† February 25, 1988 - 9 a.m. – Open Meeting  
Washington Building, 1100 Bank Street, Room 204,  
Richmond, Virginia. ☒

A regular meeting of the board.

**Contact:** Raymond D. Vaughan, Secretary, P. O. Box 1163,  
Richmond, Va. 23209, telephone (804) 786-3501 or SCATS  
786-3501

#### ALCOHOLIC BEVERAGE CONTROL BOARD

- † February 9, 1988 - 9:30 a.m. – Open Meeting  
† February 23, 1988 - 9:30 a.m. – Open Meeting  
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports on activities from staff members. Other matters not yet determined.

**Contact:** Robert N. Swinson, 2901 Hermitage Rd.,  
Richmond, Va., telephone (804) 367-0617

#### STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

##### Virginia State Board of Land Surveyors

**February 5, 1988 - 9 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor,  
Richmond, Virginia. ☒

A meeting to (i) approve minutes of November 5, 1987; (ii) review applications; and (iii) review enforcement cases.

##### Virginia State Board of Professional Engineers

**February 16, 1988 - 9 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, 5th Floor,  
Richmond, Virginia. ☒

A meeting to (i) approve minutes of November 17, 1987; (ii) review applications; and (iii) review enforcement cases.

**Contact:** Bonnie S. Salzman, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8512, toll-free 1-800-552-3016 or SCATS 367-8512

#### AUCTIONEERS BOARD

**February 9, 1988 - 9 a.m.** – Public Hearing  
Department of Commerce, 3600 West Broad Street,  
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Auctioneers intends to amend regulations entitled: **VR 150-01-3. Rules and Regulations of the Virginia Auctioneers Board.** The proposed amendments will bring this provision more in line with the Code of Virginia and clarify the role of auctioneers who are unregistered.

Statutory Authority: §§ 54-1.28, 54-824.9:1 and 54-823.9:3 of the Code of Virginia.

Written comments may be submitted until January 8, 1988.

**Contact:** Gerald W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8508, toll-free 1-800-552-3016, or SCATS 367-8508

# Calendar of Events

---

† **February 9, 1988 - 10:30 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

An open meeting to discuss written and oral comments received at the public hearing on the proposed regulations and to conduct board business.

**Contact:** Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8508, toll-free 1-800-552-3016, or SCATS 367-8508

† **May 3, 1988 - 10 a.m.** – Open Meeting  
Roanoke City Circuit Court, 315 W. Church Avenue, Roanoke, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Auctioneers Board v. Earl Frith.

**Contact:** Sylvia Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

## VIRGINIA AVIATION BOARD

† **February 22, 1988 - 10 a.m.** – Open Meeting  
Richmond International Airport, Board Room, Richmond, Virginia. ☒

A meeting to discuss aviation matters affecting Virginia.

**Contact:** Kenneth A. Rowe, 4508 S. Laburnum Ave., P. O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

## STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **February 19, 1988 - 10 a.m.** – Open Meeting  
Fourth Street State Office Building, 205 North 4th Street, 2nd Floor Conference Room, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

A meeting to (i) consider requests for interpretation of the Virginia Uniform Statewide Building Code; (ii) consider appeals from the rulings of local appeal boards regarding application of the Virginia Uniform Statewide Building Code, and (iii) approve minutes of previous meeting.

**Contact:** Jack A. Proctor, 205 N. 4th St., Richmond, Va. 23219, telephone (804) 786-4752

## GOVERNOR'S ADVISORY BOARD ON CHILD ABUSE AND NEGLECT

**March 4, 1988 - 10 a.m.** – Open Meeting  
Koger Building, Koger Executive Center, Room 124, Richmond, Virginia. ☒

A regular quarterly meeting.

**Contact:** D. Ray Sirry, Division Director, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9308

## CHILD DAY-CARE COUNCIL

† **February 11, 1988 - 8:30 a.m.** – Open Meeting  
Koger Executive Center, 8007 Discovery Drive, Blair Building, Conference Rooms A & B, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

A meeting to discuss issues, concerns, and programs that impact licensed child care centers. During the morning, council members will meet in subcommittees to discuss ways to revise standards and regulations of child care centers. The contingency snow date is February 19, 1988.

**Contact:** Arlene Kasper, Program Development Supervisor, Department of Social Services, Division of Licensing, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

## DEPARTMENT OF COMMERCE (BOARD OF)

**February 10, 1988 - 10 a.m.** – Public Hearing  
Travelers Building, 3600 West Broad Street, 3rd Floor Auditorium, Room 395, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to adopt regulations entitled: **VR 190-05-1. Asbestos Licensing Regulations.** These regulations set forth requirements for licensure and training of asbestos workers, contractors/supervisors and inspectors intending to become involved in asbestos abatement activities in Virginia.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Written comments may be submitted until February 5, 1988.

**Contact:** Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8595 (toll-free 1-800-552-3016)

## DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

### Virginia Historic Landmarks Board

† February 16, 1988 - 2 p.m. - Open Meeting  
221 Governor Street, Richmond, Virginia

A general business meeting to consider (i) proposed additions to the Virginia Landmarks Register; and (ii) proposed historical highway markers.

Contact: Margaret T. Peters, Information Officer, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143

### STATE BOARD FOR CONTRACTORS

† March 16, 1988 - 10 a.m. - Open Meeting  
Massey Building, 4100 Chain Bridge Road, Board of Supervisors Conference Room, Fairfax, Virginia

The board will meet to conduct a formal administrative hearing: State Board for Contractors v. Herbert Rose.

Contact: Sylvia Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

### STATE BOARD OF CORRECTIONS

February 16, 1988 - 10 a.m. - Open Meeting  
March 16, 1988 - 10 a.m. - Open Meeting  
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented.

Contact: Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 367-6274

### VIRGINIA BOARD OF COSMETOLOGY

† February 22, 1988 - 9 a.m. - Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☐

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement files; and (iv) discuss regulations.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016

## VIRGINIA BOARD OF DENTISTRY

† March 5, 1988 - 9 a.m. - Open Meeting  
† March 6, 1988 - 7:30 a.m. - Open Meeting  
Koger Center, 1601 Rolling Hills Drive, Surry Building, Richmond, Virginia. ☐

The board will conduct the following committee meetings:

Executive Committee  
Test Implementation Committee  
Anesthesia Committee  
Regulation Implementation Committee

Also, the board will discuss the results of the Public Informational Hearing held December 5, 1987, regarding regulations.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9906

### STATE BOARD OF EDUCATION

February 25, 1988 - 9 a.m. - Open Meeting  
February 26, 1988 - 9 a.m. - Open Meeting  
† March 17, 1988 - 9 a.m. - Open Meeting  
† March 18, 1988 - 9 a.m. - Open Meeting  
James Monroe Building, 101 North 14th Street, Conference Rooms D and E, Richmond, Virginia. ☐

A regularly scheduled meeting to conduct business according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if requested.

Contact: Margaret N. Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

### DEPARTMENT OF EDUCATION (STATE BOARD OF)

February 25, 1988 - 1:30 p.m. - Public Hearing  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to amend regulations entitled: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** The purpose of these amendments is to prescribe the scope of operational procedures and requirements, distribution of funds, driver requirements, body and chassis standards including life-gate buses, and requirements for activity buses.

# Calendar of Events

---

Statutory Authority §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until January 22, 1988.

**Contact:** R. A. Bynum, Associate Director, Pupil Transportation Service, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

\* \* \* \* \*

**February 25, 1988 - 7 p.m. – Public Hearing**  
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

**February 25, 1988 - 7 p.m. – Public Hearing**  
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

**February 25, 1988 - 7 p.m. – Public Hearing**  
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-01-0014. Management of the Student's Scholastic Record.** These regulations provide for the protection, confidentiality and management of student records.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until February 18, 1988.

**Contact:** Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

\* \* \* \* \*

**February 25, 1988 - 8 p.m. – Public Hearing**  
Northside High School, 6758 Northside High School Road, Roanoke, Virginia

**February 25, 1988 - 8 p.m. – Public Hearing**  
Hermitage High School, 8301 Hungary Spring Road, Richmond, Virginia

**February 25, 1988 - 8 p.m. – Public Hearing**  
Marshall High School, 7731 Leesburg Pike, Falls Church, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** The purpose of this action is to ensure the provision of a free and appropriate public education

in the least restrictive environment to all handicapped youth ages two to 21, inclusive, residing in the Commonwealth.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until February 18, 1988.

**Contact:** Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2044

\* \* \* \* \*

**February 25, 1988 - 3 p.m. – Public Hearing**  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to adopt regulations entitled: **VR 270-04-0015. Secondary School Transcripts.** The secondary school transcript will be standardized in order that all school divisions will report student information to colleges, universities, and prospective employers in the same format.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until February 25, 1988.

**Contact:** Cheryle C. Gardner, Supervisor of Art, Fine Arts Service, P. O. Box 6Q, Department of Education, Richmond, Va. 23216, telephone (804) 225-2053

\* \* \* \* \*

**March 17, 1988 - 3 p.m. – Public Hearing**  
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Education intends to adopt regulations entitled: **Regulations Governing Criteria to Identify Toxic Art Materials; Labeling; Use in Elementary Grades Prohibited.** The proposed criteria will be used by the Department of Education to evaluate all art materials used in schools and identify those which are toxic. All materials used in the public schools which meet the criteria as toxic will be so labeled and the use of such art materials will be prohibited in the elementary grades.

Statutory Authority: § 22.1-274.1 of the Code of Virginia.

Written comments may be submitted until March 21, 1988.

**Contact:** Cheryle C. Gardner, Supervisor of Art, Fine Arts

Service, Department of Education, P. O. Box 6-Q,  
Richmond, Va. 23216, telephone (804) 225-2053

## LOCAL EMERGENCY PLANNING COMMITTEE

† **February 10, 1988 - 7:30 p.m.** – Open Meeting  
Campbell County School Administration Building's  
Conference Room, Route 24, Rustburg, Virginia. ☒

A meeting to review correspondence with Virginia  
Emergency Response Council and plan development  
to-date.

**Contact:** Steve Via, Environmental Planner, 2316 Atherholt  
Rd., P. O. Box 2526, Lynchburg, Va. 24501, telephone (804)  
845-3491

## JAMES CITY COUNTY EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW COMMITTEE

† **February 3, 1988 - 3:30 p.m.** – Open Meeting  
James City County Human Services Building, 5249 Olde  
Towne Road, Auditorium, Williamsburg, Virginia. ☒

The committee is meeting in accordance to SARA,  
Title III in order to carry out the provisions required  
within.

An upate on the progress of the hazard analysis of the  
county is to be given. Subcommittees are to give  
progress reports; and final draft of the committee  
charter is to be reviewed.

**Contact:** Valerie Jordan, Committee Chairperson, James  
City County Health Department, P. O. Box JC,  
Williamsburg, Va. 23187, telephone (804) 565-6870

## LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

† **February 11, 1988 - 9:30 a.m.** – Open Meeting  
Martinsville Municipal Building, Martinsville, Virginia. ☒

An open meeting to discuss general business relating  
to the development of the emergency response plan.

**Contact:** Benny Summerlin, Public Safety Director, Henry  
County, P. O. Box 7, Collinsville, Va. 24078, telephone  
(703) 638-5311, ext. 256

## DEPARTMENT OF GENERAL SERVICES

### Art and Architectural Review Board

**February 5, 1988 - 10 a.m.** – Open Meeting  
Virginia Museum of Fine Arts, Main Conference Room,

Richmond, Virginia. ☒

The board will advise the Director of the Department  
of General Services and the Governor on architecture  
of state facilities to be constructed and works of art to  
be accepted or acquired by the Commonwealth.

**Contact:** M. Stanley Krause, AIA, AICP, Rancorn, Wildman  
& Krause, Architects and City Planning Consultants, P. O.  
Box 1817, Newport News, Va. 23601, telephone (804)  
867-8030

## Division of Consolidated Laboratory Services

**February 5, 1988 - 9:30 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, Conference  
Room D, Richmond, Virginia. ☒

The Advisory Board will discuss issues, concerns, and  
programs that impact the Division of Consolidated  
Laboratory Services and its user agencies.

**Contact:** Dr. A. W. Tiedemann, Jr., Director, Division of  
Consolidated Laboratory Services, 1 N. 14th St., Richmond,  
Va. 23219, telephone (804) 786-7905

## BOARD OF HEALTH/DEPARTMENT OF HEALTH

**February 22, 1988 - 9 a.m.** – Open Meeting  
James Madison Building, 109 Governor Street, Main Floor  
Conference Room, Richmond, Virginia. ☒

A meeting to consider and discuss how the repacking  
of crab meat should be regulated in the  
Commonwealth of Virginia. Reference Manual -  
Sanitation of the Picking, Packing and Marketing of  
Crab Meat - §§ 13.06 and 15.03.

**Contact:** Cloyde W. Wiley, Director, DSS, James Madison  
Bldg., 109 Governor St., Room 904, Richmond, Va. 23219,  
telephone (804) 786-7937

## VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

**February 24, 1988 - 9:30 a.m.** – Open Meeting  
Department of Rehabilitative Services, 4901 Fitzhugh  
Avenue, Richmond, Virginia. ☒

A monthly business meeting of the council for the  
purpose of addressing financial, policy or technical  
matters which may have arisen since the last meeting.

**Contact:** Ann Y. McGee, Director, 805 E. Broad St., 9th  
Fl., Richmond, Va. 23219, telephone (804) 786-6371

# Calendar of Events

## HOPEWELL INDUSTRIAL SAFETY COUNCIL

† February 2, 1988 - 9 a.m. - Open Meeting  
† March 1, 1988 - 9 a.m. - Open Meeting  
Hopewell Community Center, Second and City Point Road,  
Hopewell, Virginia. ☒ (Interpreter for deaf provided if  
requested)

Local Emergency Preparedness Committee meeting on  
emergency preparedness as required by SARA Title  
III.

Contact: Robert Brown, Emergency Service Coordinator,  
City of Hopewell, 300 N. Main St., Hopewell, Va. 23860,  
telephone (804) 541-2298

## VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† February 16, 1988 - 10 a.m. - Open Meeting  
13 South 13th Street, Richmond, Virginia. ☒

A regular monthly meeting to (i) review and, if  
appropriate, approve the minutes from the prior  
monthly meeting; (ii) consider for approval and  
ratification mortgage loan commitments under its  
various programs; (iii) review the authority's  
operations for the prior month; and (iv) consider such  
other matters and take such other actions as it may  
deem appropriate. The planned agenda of the meeting  
will be available at the office of the authority one  
week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 13 S.  
13th St., Richmond, Va. 23219, telephone (804) 782-1986

\* \* \* \* \*

† February 15, 1988 - Written comments may be  
submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Virginia Housing  
Development Authority intends to amend regulations  
entitled: **VR 400-02-0001. Procedures, Instructions and  
Guidelines for Multi-Family Housing Developments.**  
The proposed regulations authorize the modification of  
the authority's regulatory controls over certain existing  
multi-family rental developments currently financed by  
the authority.

### STATEMENT

Purpose: To amend the authority's procedures, instructions  
and guidelines for multi-family housing developments to  
authorize the authority to modify its regulatory controls  
over certain existing multi-family developments so as to  
provide sufficient financial incentives to owners to  
continue to own and operate the developments properly  
while maintaining the housing for low and moderate  
income persons and families.

Basis: To be adopted pursuant to regulations which were  
issued under § 36-55.30:3 of the Code of Virginia.

Subject, substance and issues: The recent changes in  
federal income tax laws have adversely affected the  
ability of owners of existing developments to continue to  
receive a positive financial return on their investments.  
The developments which are principally affected by these  
changes are those that have been in operation for 10  
years, in the case of new construction, or five years, in  
the case of substantial rehabilitation. It is in the best  
interests of the residents and the authority that the owners  
have a financial incentive in the proper operation of these  
developments. While providing such financial incentive, the  
developments must be preserved as housing for low and  
moderate income persons and families. In order to  
accomplish these purposes, modifications must be made to  
the authority's regulatory controls over these developments  
with respect to approval of rents, income limits of  
residents, limitations on annual dividend distribution by the  
owner, and prepayment of the mortgage loan.

Impact: Because of the various factors (such as tax status  
of the owner, financial strength of the development, rental  
market conditions, and federal restrictions) affecting the  
developments, it is not possible at this time to determine  
the number of persons who will be affected by the  
proposed regulation. The authority does not expect that  
any significant costs will be incurred for the  
implementation of and compliance with the proposed  
regulation.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until February 15,  
1988.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia  
Housing Development Authority, 13 S. 13th St., Richmond,  
Va. 23219, telephone (804) 782-1986

\* \* \* \* \*

† February 12, 1988 - Written comments may be  
submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1  
of the Code of Virginia that the Virginia Housing  
Development Authority intends to amend regulations  
entitled: **VR 400-02-0012. Virginia Housing Fund  
Procedures, Instructions and Guidelines.** The  
regulations clarify that the purpose of the Virginia  
Housing Fund is to assist those families in need of  
affordable housing who are not otherwise being  
serviced by other housing programs.

### STATEMENT

Purpose: To clarify that the purpose of the Virginia  
Housing Fund (the "fund") is to assist families who are  
not otherwise being serviced by other housing programs.

**Basis:** Section 1.3 of the Rules and Regulations of the authority adopted pursuant to § 36-55.30:3 of the Code of Virginia.

**Subject, substance and issues:** Pursuant to a resolution of the authority's board of commissioners adopted on May 19, 1987, the fund was established to create new housing opportunities for lower income Virginians through operation of the fund as a special purpose revolving loan fund. The proposed regulations will allow the fund to be used to assist families in need of affordable housing only if they are not then being serviced by other housing programs.

**Impact:** Because this proposed regulation will clarify existing policy, the authority does not expect that there will be any impact on persons in the Commonwealth.

The authority does not anticipate that any significant costs will be incurred for the implementation of and compliance with the proposed procedures.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until February 12, 1988.

**Contact:** J. Judson McKellar, Jr., General Counsel, 13 S. 13th St., Richmond, Va. 23219, telephone (804) 782-1986

## LIBRARY BOARD

† **February 29, 1988 - 9:30 a.m.** – Open Meeting  
Blue Ridge Regional Library, 310 East Church Street,  
Martinsville, Virginia. ☒

A regular meeting to discuss administrative matters.

### Executive Committee

† **February 28, 1988 - 2 p.m.** – Open Meeting  
Blue Ridge Regional Library, 310 East Church Street,  
Martinsville, Virginia. ☒

A meeting to discuss administrative matters of the Virginia State Library and Archives.

**Contact:** Jean K. Reynolds, Virginia State Library and Archives, 11th St. and Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

## MARINE RESOURCES COMMISSION

**February 2, 1988 - 9:30 a.m.** – Open Meeting  
† **March 1, 1988 - 9:30 a.m.** – Open Meeting  
Newport News City Council Chambers, 2400 Washington  
Avenue, Newport News, Virginia. ☒

The Virginia Marine Resources Commission will meet

on the first Tuesday of each month, at 9:30 a.m. in Newport News City Council Chambers, located at 2400 Washington Avenue, Newport News, Virginia. The commission will hear and decide cases on fishing licensing; oyster ground leasing; environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It will also hear and decide appeals made on local wetlands board decisions.

Fishery management and conservation measures will be discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measure within five days.

**Contact:** Sandra S. Schmidt, Secretary to the Commission, 2401 West Ave., P. O. Box 756, Newport News, Va. 23607-0756, telephone (804) 247-2206

## VIRGINIA STATE BOARD OF MEDICINE

### Acupuncture Committee

**February 13, 1988 - 1 p.m.** – Open Meeting  
Embassy Suites Hotel, 2925 Emerywood Parkway,  
Richmond, Virginia. ☒

A meeting to review acupuncture treatment records, proposed regulations, review new acupuncture programs for approval and discuss any other items which may come before this committee.

### Chiropractic Examination Committee

† **March 1, 1988 - 12:30 p.m.** – Open Meeting  
† **April 21, 1988 - 12:30 p.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling  
Hills Drive, Surry Building, Board Room 1, 2nd Floor,  
Richmond, Virginia. ☒

A meeting in open and executive session for the purpose of reviewing and developing chiropractic questions for the June, 1988 exam.

### Informal and Formal Conference Committees

**February 3, 1988 - 10 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling  
Hills Drive, Surry Building, Board Room 1, 2nd Floor,  
Richmond, Virginia. ☒

**February 5, 1988 - 10:30 a.m.** – Open Meeting  
Sheraton Fredericksburg Resort and Conference Center,  
I-95 and Route 3, Fredericksburg, Virginia. ☒

**February 16, 1988 - 11 a.m.** – Open Meeting  
† **February 23, 1988 - 10 a.m.** – Open Meeting  
Radisson Hotel Lynchburg, 601 Main Street, Lynchburg,  
Virginia. ☒



# Calendar of Events

---

† **February 25, 1988 - 9 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 of the Code of Virginia.

**Contact:** Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **February 24, 1988 - 10 a.m.** – Open Meeting  
Department of Mental Health, Mental Retardation and Substance Abuse Services Central Office, James Madison Building, 13th Floor Conference Room, Richmond, Virginia. ☒

A regular monthly meeting. The agenda will be published on February 17 and may be obtained by calling Jane Helfrich.

**Contact:** Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

## PROTECTION AND ADVOCACY FOR THE MENTALLY ILL ADVISORY BOARD

† **February 26, 1988 - 10 a.m.** – Open Meeting  
James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ☒

A regularly scheduled board meeting for the conduct of business.

**Contact:** Barbara Hoban, Program Manager, Department for Rights of the Disabled, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2042, toll-free 1-800-552-3962, SCATS 225-2042 or 1-800-552-3962/TDD ☎

## MILK COMMISSION

† **February 17, 1988 - 10 a.m.** – Open Meeting  
Ninth Street Office Building, 9th and Grace Streets, Room 1015, Richmond, Virginia. ☒

A routine meeting.

† **February 17, 1988 - 11 a.m.** – Public Hearing

John Marshall Hotel, 5th and Franklin Streets, Jackson Room, Mezzanine Level, Richmond, Virginia. ☒

A public hearing to receive evidence and testimony relative to amending Regulation No. 8 or adopting a temporary pricing ORDER.

**Contact:** C. H. Coleman, Administrator, Ninth Street Office Bldg., 9th and Grace Sts., Room 1015, Richmond, Va. 23219, telephone (804) 786-2013

## VIRGINIA STATE BOARD OF NURSING

### Informal Conference Committee

**February 9, 1988 - 8:30 a.m.** – Open Meeting  
† **February 25, 1988 - 8:30 a.m.** – Open Meeting  
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

**Contact:** Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll-free 1-800-533-1560

## VIRGINIA STATE BOARD OF OPTICIANS

† **February 11, 1988 - 9 a.m.** – Open Meeting  
Travelers Building, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement files; and (iv) discuss regulations.

**Contact:** Roberta L. Banning, Assistant Director, Virginia State Board of Opticians, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016

## VIRGINIA OUTDOORS FOUNDATION

† **February 2, 1988 - 10:30 a.m.** – Open Meeting  
221 Governor Street, Richmond, Virginia. ☒

A general business meeting.

**Contact:** Tyson B. Van Auken, Executive Director, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539 or SCATS 786-5539

ADVISORY BOARD ON PHYSICAL THERAPY

† February 5, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, Richmond, Virginia. ☺

A meeting to discuss and review (i) regulations for governing foreign trained therapists; (ii) revised four page application for licensure; (iii) minutes of the November board meeting; (iv) PES passing score and raw score; (v) passive exercise machines; (vi) modalities performed by occupational therapists; and (vi) any other items which may come before this advisory board.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, Va. 23229-5005, telephone (804) 662-9925

ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS

February 12, 1988 - 1 p.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Dr., Surry Building, Board Room 2, 2nd Floor, Richmond, Virginia. ☺

A meeting to (i) develop a protocol to be submitted with the physician assistant applications; (ii) review applications of five physician assistants; and (iii) discuss any other items which may come before this committee.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

April 13, 1988 - 10 a.m. - Open Meeting
Hasler and Company, 121 Tazwell Street, Norfolk, Virginia

A regular quarterly business meeting.

Contact: David E. Dick, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8531 or William L. Taylor, 3329 Shore Drive, Virginia Beach, Va. 23451, telephone (804) 496-0995

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

† February 12, 1988 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☺

A meeting to (i) conduct general board business; (ii) make policies; and (iii) respond to board correspondence.

Contact: Joyce D. Williams, Administrative Assistant, 1601 Rolling Hills Dr., Richmond, Va. 23229-5005, telephone (804) 662-9912 or SCATS 662-9912

\* \* \* \* \*

† March 30, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Virginia Board of Professional Counselors intends to repeal existing and adopt new regulations entitled: VR 560-01-02. Regulations Governing the Practice of Professional Counseling. The proposed regulations were developed as a part of the comprehensive review of regulations initiated by Governor Charles S. Robb.

STATEMENT

Statement of Purpose: These regulations establish the requirements governing the practice of professional counseling in the Commonwealth of Virginia. They include the educational and experiential requirements necessary for licensure; provide criteria for the written and oral examinations; set the standards of practice, and establish procedures for the disciplining of licensed professional counselors.

The Board of Professional Counselors is repealing its current regulations and promulgating new regulations. The proposed regulations are the result of an extensive regulatory review conducted by the Board of Professional Counselors pursuant to Executive Order 52(84) of former Governor Charles S. Robb. The proposed regulations are necessary to clarify existing requirements set by the Virginia Board of Behavioral Science (abolished by the General Assembly in 1983) and the current regulations of the Board of Professional Counselors. During its review of existing regulations, the Board of Professional Counselors examined its educational, experiential, examination, and practice requirements.

In April 1987, the Board of Professional Counselors submitted to the Governor's office a set of proposed regulations designed to replace the board's existing regulations. The board chose to withdraw the proposed regulations in October 1987 following its decision to make a change in the educational requirements for licensure from those it had originally proposed. The change returned an educational requirement found in the existing regulations.

The board also had approved emergency regulations which allowed the proposed fee increases shown within this statement to be adopted.

In most areas of the regulations, the proposed regulations reflect a less burdensome requirement. This statement, required by the Administrative Process Act (§ 9-6.14:9B of the Code of Virginia), estimates the impact of changes to

# Calendar of Events

the existing regulations that increase the regulatory burden. Other proposed changes to the regulations are stated in an Index to the Existing and Proposed Regulations, which are incorporated by reference for the purpose of this statement. The Index of the Existing Regulations and the Proposed Regulations are available to the public through the Board of Professional Counselors, Department of Health Regulatory Boards, Richmond, Virginia.

## Estimated Impact:

A. Regulated entities: Virginia's 1,035 licensed professional counselors are affected by the proposed regulations. In addition, approximately 100 applicants for licensure each year are affected as well as approximately 150 licensed mental health practitioners who supervise applicants gaining the required experience for licensure.

B. Projected costs to regulated entities: The impact on licensees and applicants for new or modified regulations is discussed below. The proposed fee increases are currently in effect, having been adopted by emergency regulation.

### 1. § 1.3.

Type of Fee	Existing	Proposed
Registration of Supervision (75 per year)	\$25 trainee \$50 supervisor	<u>\$75</u> Trainee
Application Processing (100 per year)	\$50 \$25 specialty designation	<u>\$100</u>
Examination Fee (100 per year)	\$75 \$25 specialty	<u>\$150</u>
Reexamination Fee		
Written	\$35	<u>\$75</u>
Oral	\$35	<u>\$75</u>
(10 each per year)		
Provisional License Fee (20 per year)	--	<u>\$30</u>
Renewal of Provisional License (10 per year)	--	<u>\$30</u>
License Renewal (1,035 per year)	\$75 biennially	<u>\$75</u> annually
Duplicate License (20 per year)	--	<u>\$15</u>
Endorsement to Another Jurisdiction (35 per year)	--	<u>10</u>
Late Renewal (20 per year)	\$5	<u>\$10</u>
Replacement of or Additional Wall Certificate (20 per year)	--	<u>\$15</u>

Name Change (10 per year)	--	<u>\$10</u>
Returned Check (10 per year)	--	<u>\$15</u>

Since the services of professional counselors are offered on a fee-for-service basis, it is possible that clients may experience slightly higher fees.

2. § 2.2:B. Revised the required amount of supervised experience in counseling practice to read 4,000 hours rather than two years as specified in the current regulations. 200 hours are required to be spent in individual supervision rather than the current minimum of two hours per week. This revision in the regulations does not increase the amount of time a trainee must work under supervision; consequently, there should be no increase in the financial impact on the individual working under supervision. Approximately 150 individuals working under supervision as well as an equal number of mental health professionals providing supervision are affected by this regulation.

3. § 2.2:B(2). Removes the requirement that supervisors be specifically designated by the board. It modifies the category of those individuals qualified to act as supervisors by specifying, among the mental health professionals available to supervise applicants, clinical social workers rather than social workers. Currently 233 licensed social workers may provide supervision in addition to 895 licensed clinical social workers. Within the last two years, the board has not registered a supervisee working under the supervision of a social worker.

This regulation removes one category of the license and license eligible mental health professional available to act as supervisors for the 75 applicants registering their supervision annually.

4. § 2.2:B(3). Requires approximately 75 applicants annually who render counseling services in nonexempt agencies to register their supervision before starting to practice under supervision and to pay the registration fee. Applicants registering supervision will be subject to an increased financial burden by having to submit a higher registration fee (\$75) than is required in the current regulations (\$25).

Some prospective applicants will be required to "hire" supervision from private practitioners on an hourly basis, while other prospective applicants will gain half of this experience in paid internships which provide supervision. Others will arrange for supervision as part of an employment agreement. The cost to the prospective applicant of supervision varies according to the supervisory arrangement.

5. § 2.3. Establishes the criteria for a provisional license. The provisional license is optional for those individuals who qualify and, therefore, any financial burden is assumed voluntarily.

It is estimated that 20 applicants may qualify annually for the provisional license. The provisional licensee will also incur the costs required for registering a supervisory agreement with the board (\$75) and for contracting with a supervisor, under whose supervision the provisional licensee will practice for the duration of the provisional license.

6. § 3.1:D. Provides that a candidate must take the examination for which that individual has been approved within two years of the board's initial approval or that approval is invalidated. To be considered for the examination at a later date, the applicant must file a completely new application with the board, paying the appropriate application fees. Approximately five applicants annually may be affected by this regulation.

7. § 3.4:B. Specifies a period of 18 months within which a candidate may be reexamined without filing a new application with attendant fees and presenting additional education or experience. This regulation would only impact those applicants who fail to apply for reexamination within the 18-month period, estimated to be no more than 10-20 annually. Individuals who are required to file a new application as a result of this regulation would incur the cost of reapplying for licensure (\$100) as well as the costs resulting from having to gain additional education relative to counseling or undertaking additional supervised experience.

8. § 3.4:C. Requires that candidates who are requesting to be reexamined notify the board and pay the appropriate fee (\$75) not less than 60 days before a scheduled examination. This regulation would not be expected to have an impact on the majority of the candidates; only those requesting reexamination—approximately 20 per year request reexamination.

9. § 4.1. Established an annual renewal of license with the submission of an annual renewal fee as prescribed in § 1.2. The board is proposing an annual renewal fee of \$75. This change in the regulations, which currently provides for a biennial license renewal, will have an impact on all the board's licensees by effectively doubling the renewal fee for the approximately 1,035 licensees who currently renew their licenses on a biennial basis.

10. § 4.2:B. Requires that an individual who fails to renew a license for four years or more and who wishes to resume practice (i) pay the oral examination fee; (ii) take an oral examination, incurring the attendant costs, including expenses associated with preparing the case study and traveling to Richmond for one day for the examination; and (iii) upon approval for reinstatement, pay the penalty fee as prescribed in § 1.2 as well as the prescribed license fee. Only those individuals who have failed to keep their licenses current would be affected, approximately 10 individuals annually.

11. § 4.4. Requires individuals whose name is changed by marriage or court order to notify the board of such a

change and provide a copy of the legal paper documenting the change. A name change fee (\$10) is also required as well as a fee for a new license (\$15) bearing the individual's new legal name.

12. § 6.1. Establishes Standards of Practice governing the practice of professional counseling that professional counselors must adhere to in their practice. The standards constitute a revision of the Code of Ethics found in the current regulations. Section 6.1.B:4 requires licensees to report to the board any known or suspected violations of the laws and regulations governing the practice of professional counseling.

C. Projected costs to the agency for implementation and enforcement: Data processing and administrative costs associated with the processing of renewals on an annual basis, in addition to the processing of a provisional license, will increase the costs to the board by approximately \$3,000. The board can expect an increase in its investigative costs as a result of § 6.1 B(4) requiring the reporting to the board of known or suspected violations of the Standards of Practice by licensees.

The board reviewed its anticipated revenue and expenditures for the 1986-88 biennium prior to making its proposal to increase its current fees and establish new fees. The board concluded that the current fee structure was not adequate to meet the the necessary operating expenses of the board. The board's fees have not been raised since 1981, although the costs to the board of administering its programs have increased significantly. Inflation, the enhancement of data processing operations and equipment, an increase in the number of consumer complaints under investigation, and the addition of two citizen members to the board have contributed to the increased administrative costs. In an effort to address its cash-flow problem while dispersing the effects of an increase in the renewal fee to its licensees, the board is proposing an annual renewal fee of \$75 rather than a biennial renewal fee of the same amount.

The board also proposes adding a category of fees for services it provides such as the provision of duplicate licenses, endorsements to other jurisdictions, and the replacement of wall certificates.

D. Source of funds: All funds of the Board of Professional Counselors are derived from the fees paid by licensees and applicants for licensure.

Statutory Authority: § 54-929(a) of the Code of Virginia.

Written comments may be submitted until March 30, 1988.

Contact: Stephanie A. Sivert, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912

# Calendar of Events

---

## BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

**February 17, 1988 - 1:30 p.m. – Open Meeting**  
203 Governor Street, 2nd Floor, Room 200, Richmond, Virginia. ☒

A meeting to consider local government requests for grant funding for public beach development and requests for use of state owned sand resources for beach nourishment.

**Contact:** Jack E. Frye, Shoreline Programs Manager, Shoreline Programs, P. O. Box 1024, Gloucester Point, Va. 23062, telephone (804) 642-7121 or SCATS 842-7121

## VIRGINIA REAL ESTATE BOARD

† **February 17, 1988 - 9 a.m. – Open Meeting**  
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration, and licensing issues (e.g., reinstatement, eligibility requests). The agenda may include possible revision of the Rules and Regulations of Fair Housing, Property Registration, and Licensing.

**Contact:** Joan L. White, Assistant Director for Real Estate, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

† **February 19, 1988 - 10 a.m. – Open Meeting**  
Yorktown Commerce Center, 228 North Lynnhaven Road, Suite 108, Office of Michael E. Bowerman, Esquire, Virginia Beach, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Joyce Z. Prescott.

† **April 5, 1988 - 10 a.m. – Open Meeting**  
† **April 6, 1988 - 10 a.m. – Open Meeting**  
† **April 7, 1988 - 10 a.m. – Open Meeting**  
Holiday Inn, 2460 Eisenhower Drive, Alexandria, Virginia

The board will meet to conduct a formal administrative hearing: Virginia Real Estate Board v. Merrill W. Gitlin.

**Contact:** Sylvia W. Bryant, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8524

## VIRGINIA RESOURCES AUTHORITY

† **February 9, 1988 - 10 a.m. – Open Meeting**  
The Mutual Building, 909 East Main Street, 12th Floor Conference Room, Richmond, Virginia

The board will meet to (i) approve minutes of the January 5, 1988 meeting; (ii) review the authority's operations for the prior months; and (iii) consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the office of the authority one week prior to the date of the meeting.

**Contact:** Shockley D. Gardner, Jr., P. O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

## DEPARTMENT OF SOCIAL SERVICES

**February 4, 1988 - 10 a.m. – Public Hearing**  
Koger Building Conference Room, 8001 Franklin Farms Drive, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend the **State Plan for Implementation of the Virginia Weatherization Assistance Program for Low-Income Persons**. This plan has been in operation since 1976. It weatherizes homes of qualifying low-income persons in the Commonwealth free of charge, with priority given to the elderly and handicapped. Applicant's income must be no more than 125% of OMB poverty level to qualify. Weatherization includes installation of insulation, weather-stripping, caulking, storm windows, and other measures designed to conserve energy and reduce energy costs.

The State Department of Social Services contracts with the Virginia Association of Community Action Agencies, Inc., who subcontracts with 30 public or nonprofit agencies to provide the weatherization services.

Statutory Authority: 42 U.S.C. 6851 et. seq., 42 U.S.C. 1701 et. seq., and 10 CFR 440

Written comments may be submitted until February 4, 1988.

**Contact:** Alice Fascitelli, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9050, toll-free 1-800-552-7091

## Division of Licensing Programs

† **March 31, 1988 –** Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department of Social Services, Division of Licensing Programs intends to amend regulations entitled: **VR 615-22-02. Standards and Regulations for Licensed Homes for Adults.** The purpose of the proposed regulation is to regulate homes which provide maintenance and care to aged, infirm, and disabled adults.

## STATEMENT

**Subject:** Proposed revisions to the Standards and Regulations for Licensed Homes for Adults.

**Substance:** Under the current definitions and exemptions in the Code, any facility operated for the purpose of the maintenance and care of four or more adults who are aged, infirm, or disabled must be licensed as a home for adults.

**Issues:** This document addresses the following issues which impact homes for adults subject to licensure by the Department of Social Services:

Refinement of Definitions of "maintenance and care," "nursing and convalescent care," and "permanent transfer"; addition of "applicability" section; requirements regarding beside rails, independent living status, activities, liability insurance, resident's right to refuse medical treatment, mandatory training for administrators, toilet designation, and record keeping; implementation of recommendations from Ernst & Whinney Report; and clarification of fire drill regulations.

**Basis:** Section 63.1-174 of the Code of Virginia provides the statutory basis for promulgation of standards for home for adults. The State Board of Social Services has approved proposed revisions for a 60-day period of comment.

**Purpose:** The purpose of the standards is to regulate facilities which provide maintenance and care to four or more adults who are aged, infirm, or disabled.

The revisions provide clarification in defining a Home for Adults and provide the necessary guidelines, procedures, and definitions to implement improved care and maintenance.

**Statutory Authority:** §§ 63.1-174 and 63.1-182.1 of the Code of Virginia.

Written comments may be submitted until March 31, 1988.

**Contact:** Kathryn Thomas, Program Development Supervisor, Department of Social Services, Licensing Programs, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

## REFORESTATION OF TIMBERLANDS BOARD

† **March 16, 1988 - 10 a.m.** – Open Meeting  
Department of Forestry Office, Alderman and McCormick, Charlottesville, Virginia. ☒

A semi-annual meeting of the board to review accomplishments and budget.

**Contact:** James D. Starr, Department of Forestry, P. O. Box 3758, Charlottesville, Va. 22903-0758, telephone (804) 977-6555

## COMMONWEALTH TRANSPORTATION BOARD

**February 18, 1988 - 10 a.m.** – Open Meeting  
Department of Transportation, 1401 East Broad Street, Board Room, Third Floor, Richmond, Virginia. ☒  
(Interpreter for deaf provided if requested)

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

**Contact:** Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va., telephone (804) 786-9950

## DEPARTMENT OF TRANSPORTATION

† **April 1, 1988 - 2 p.m.** – Public Hearing  
Department of Transportation, Central Office, 1401 East Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Transportation intends to adopt regulations entitled: **VR 385-01-06. Minimum Standards of Entrances to State Highways.** These regulations establish guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

## STATEMENT

**Statement of basis, purpose and impact:** The Commonwealth Transportation Commissioner is authorized to control and regulate entrances to improved highways pursuant to §§ 33.1-197 and 33.1-198 of the Code of Virginia. In addition, the Commonwealth Transportation Board is authorized to promulgate regulations pursuant to § 33.1-12(3).

The primary purpose of Virginia's highway system is to provide for the safe and efficient movement of people and goods. As an aid in achieving this objective, certain proposed uniform regulations are set forth for the purpose

# Calendar of Events

---

of controlling the use of highway rights-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

Guidelines are set forth primarily for commercial and industrial entrances. The guidelines and illustrations are compatible with the department's Maintenance Division's "Policy Manual" and "Land Use Permit Manual" and with the Location and Design Division's "Road and Bridge Standards." The revisions to these standards will have only minor impact upon the design of commercial and industrial entrances.

Statutory Authority: §§ 33.1-12(3), 33.1-197 and 33.1-198 of the Code of Virginia.

Written comments may be submitted until April 1, 1988.

Contact: John L. Butner, Assistant State Traffic Engineer, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2878 or SCATS 786-2878

## TREASURY BOARD

February 19, 1988 - 9 a.m. - Open Meeting

March 16, 1988 - 9 a.m. - Open Meeting

James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Betty A. Ball, Department of Treasury, James Monroe Bldg., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

## VIRGINIA BOARD OF VETERINARY MEDICINE

February 17, 1988 - 9 a.m. - Open Meeting

February 18, 1988 - 9 a.m. - Open Meeting

Sheraton Premier at Tyson's Corner, 8061 Leesburg Pike, Vienna, Virginia

A meeting to (i) consider general business; (ii) review examination; (iii) discuss regulations; and (iv) conduct disciplinary hearings.

At 1 p.m. on February 18, State Board Licensure Examination.

Contact: Moria Lux, Executive Director, Virginia Board of Veterinary Medicine, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9942

## VIRGINIA VOLUNTARY FORMULARY BOARD

February 22, 1988 - 10 a.m. - Public Hearing

James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on November 1, 1987, and a supplement to the Formulary that becomes effective on February 1, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on February 22, 1988, will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Virginia Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-4326

## DEPARTMENT OF WASTE MANAGEMENT

February 22, 1988 - 1 p.m. - Open Meeting

County of Henrico Government Complex, Prince Henry Road at Parham and Hungary Springs Roads, Administration Building, First Floor, Board Room, Richmond, Virginia

A public meeting will be held to present, answer questions concerning, and receive comments on a draft Amendment 9 to the Virginia Hazardous Waste Management Regulations. This meeting is preliminary to development of the draft amendment into the proposed amendment to be reviewed further in a formal public hearing at a later date.

February 11, 1988 - 2:30 p.m. - Open Meeting

City of Hampton, Council Chambers, 22 Lincoln Street, 8th Floor, City Hall, Hampton, Virginia

February 17, 1988 - 1 p.m. - Open Meeting

City of Winchester, Rouss City Hall, 15 Cameron Street, 4th Floor, Trade Center, Winchester, Virginia

February 18, 1988 - 2:30 p.m. - Open Meeting

Central Virginia Community College, 3506 Wards Road, Auditorium, Lynchburg, Virginia

February 22, 1988 - 2:30 p.m. - Open Meeting

County of Henrico, Administration Building, Prince Henry Road at Parham and Hungary Springs Roads, 1st Floor, Board Room, Richmond, Virginia

# Calendar of Events

**February 24, 1988 - 2:30 p.m. – Open Meeting**  
Donaldson Brown Center, Otey Street, Auditorium (Rear Section), Blacksburg, Virginia

**February 26, 1988 - 2:30 p.m. – Open Meeting**  
County of Fairfax, 4100 Chain Bridge Road, Massey Building, A - Level, Supervisors Board Room, Fairfax, Virginia

A public meeting will be held to present, answer questions concerning, and receive comment on draft Infectious Waste Management Regulations. These meetings are preliminary to development of the draft regulations into the proposed regulations to be reviewed further in a formal public hearing at a later date.

**February 11, 1988 - 10 a.m. – Open Meeting**  
City of Hampton, Council Chambers, 22 Lincoln Street, 8th Floor, City Hall, Hampton, Virginia

**February 17, 1988 - 3 p.m. – Open Meeting**  
City of Winchester, Rouss City Hall, 15 Cameron Street, 4th Floor, Trade Center, Winchester, Virginia

**February 18, 1988 - 7:30 p.m. – Open Meeting**  
Central Virginia Community College, 3506 Wards Road, Auditorium, Lynchburg, Virginia

**February 22, 1988 - 7:30 p.m. – Open Meeting**  
County of Henrico, Administration Building, Prince Henry Road at Parham and Hungary Springs Roads, 1st Floor, Board Room, Richmond, Virginia

**February 24, 1988 - 7:30 p.m. – Open Meeting**  
Donaldson Brown Center, Otey Street, Auditorium (Rear Section), Blacksburg, Virginia

**February 26, 1988 - 7:30 p.m. – Open Meeting**  
County of Fairfax, 4100 Chain Bridge Road, Massey Building, A - Level, Supervisors Board Room, Fairfax, Virginia

A public meeting will be held to present, answer questions concerning and receive comments on draft Solid Waste Management Regulations. These meetings are preliminary to development of the draft regulations into the proposed regulations to be reviewed further in a formal public hearing at a later date.

**Contact:** Robert G. Wickline, Director, Research and Development, James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-3672

## STATE WATER CONTROL BOARD

**February 23, 1988 - 2 p.m. – Public Hearing**  
Prince William County, 1 County Complex, McCourt Building, 4850 Davis Ford Road, Prince William, Virginia

**February 25, 1988 - 2 p.m. – Public Hearing**  
Williamsburg/James City Courthouse, 321-45 Court Street - West, Council Chambers, Williamsburg, Virginia

**February 29, 1988 - 10 a.m. – Public Hearing**  
Washington County Administration Office Building, 205 Academy Drive, Board of Supervisors Room, Abingdon, Virginia

**March 1, 1988 - 1 p.m. – Public Hearing**  
Roanoke County Administration Center Community Room, 3738 Brambleton Avenue, S.W., Roanoke, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-14-01. Permit Regulation.** The proposed amendments include language changes to ensure that the National Pollutant Discharge Elimination System (NPDES) permit program conforms with federal regulations and the incorporation of other permit/certificate regulations into a single permit regulation.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 5 p.m., March 22, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

**Contact:** Martin Ferguson, Jr., Permit Manager, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6984

\*\*\*\*\*

**March 9, 1988 - 7 p.m. – Public Hearing**  
Court Room, City Municipal Building, 300 East Washington Street, 2nd Floor, Lexington, Virginia

Notice is hereby given with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-16-03. Upper James River Basin Water Quality Management Plan.** The proposed amendments would revise the BOD5 poundage limits for Cascades Creek at Ashwood-Healing Springs, for Cabin River at Millboro and for Maury River at Lexington.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until 5 p.m., March 22, 1988, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

**Contact:** Charles T. Mizell, Water Resources Development Supervisor, Valley Regional Office, State Water Control Board, P. O. Box 268, Bridgewater, Va. 22812, telephone (703) 828-2595



# Calendar of Events

---

## THE COLLEGE OF WILLIAM AND MARY

### Board of Visitors

- † February 4, 1988 - 3 p.m. - Open Meeting
  - † February 5, 1988 - 8 a.m. - Open Meeting
  - † April 21, 1988 - 3 p.m. - Open Meeting
  - † April 22, 1988 - 8 a.m. - Open Meeting
- Campus Center, Jamestown Road, Williamsburg, Virginia

A regularly scheduled meeting to (i) approve the budgets and fees of the college and Richard Bland College; (ii) receive reports from several committees of the board, and (iii) act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall, Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

### COUNCIL ON THE STATUS OF WOMEN

February 16, 1988 - 8 p.m. - Open Meeting  
Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia

March 15, 1988 - 8 p.m. - Open Meeting  
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

February 17, 1988 - 9:30 a.m. - Open Meeting  
State Capitol, Capitol Square, House Room 1, Richmond, Virginia.

March 16, 1988 - 9 a.m. - Open Meeting  
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and to receive reports from the council standing committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

## LEGISLATIVE

### Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in the Virginia Register of Regulations. You may call Legislative Information for information on standing committee meetings. The number is (804) 786-6530.

## CHRONOLOGICAL LIST

### OPEN MEETINGS

#### February 2

- † Hopewell Industrial Safety Council
- Marine Resources Commission
- † Outdoors Foundation, Virginia

#### February 3

- † Emergency Planning and Community Right to Know Committee, James City County
- Medicine, Virginia State Board of

#### February 4

- † William and Mary, The College of
- Board of Visitors

#### February 5

- Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, Board of
- Virginia State Board of Land Surveyors
- General Services, Department of
- Art and Architectural Review Board
- Division of Consolidated Laboratory Services
- Medicine, Virginia State Board of
- Formal and Informal Conference Committees
- † Physical Therapy, Advisory Board on
- † William and Mary, The College of
- Board of Visitors

#### February 9

- † Alcoholic Beverage Control Board
- † Auctioneers Board
- Nursing, Virginia State Board of
- Informal Conference Committee
- † Resources Authority, Virginia

#### February 10

- † Emergency Planning Committee, Local

#### February 11

- † Child Day-Care Council
- † Emergency Planning Committee for the City of Martinsville and Henry County, Local
- † Opticians, Virginia State Board of
- Waste Management, Department of

# Calendar of Events

---

## February 12

Physician Assistants, Advisory Committee on  
† Professional Counselors, Virginia Board of

## February 13

Medicine, Virginia State Board of  
- Acupuncture Committee

## February 16

Architects, Professional Engineers, Land Surveyors and  
Certified Landscape Architects, Board of  
- Virginia State Board of Professional Engineers  
† Conservation and Historic Resources, Department of  
- Virginia Historic Landmarks Board  
Corrections, State Board of  
† Housing Development Authority, Virginia  
Medicine, Virginia State Board of  
- Informal Conference Committee  
Women, Council on the Status of

## February 17

† Milk Commission  
Public Beaches, Board on Conservation and  
Development of  
† Real Estate Board, Virginia  
Veterinary Medicine, Virginia Board of  
Waste Management, Department of  
Women, Council on the Status of

## February 18

Transportation Board, Commonwealth  
Veterinary Medicine, Virginia Board of  
Waste Management, Department of

## February 19

† Building Code Technical Review Board, State  
† Real Estate Board, Virginia  
Treasury Board

## February 22

† Aviation Board, Virginia  
† Cosmetology, Virginia Board of  
Health, Board of/Health, Department of  
Waste Management, Department of

## February 23

† Alcoholic Beverage Control Board  
† Medicine, Virginia State Board of

## February 24

† Agriculture and Consumer Services, Board of  
Health Services Cost Review Council, Virginia  
† Mental Health, Mental Retardation and Substance  
Abuse Services Board, State  
Waste Management, Department of

## February 25

† Agriculture and Consumer Services, Board of  
Education, State Board of  
† Medicine, Virginia State Board of  
† Nursing, Virginia State Board of

- Informal Conference Committee

## February 26

Education, State Board of  
† Mentally Ill Advisory Board, Protection and  
Advocacy for the  
Waste Management, Department of

## February 28

† Library Board  
- Executive Committee

## February 29

† Library Board

## March 1

† Hopewell Industrial Safety Council  
† Marine Resources Commission  
† Medicine, Virginia State Board of  
- Chiropractic Examination Committee

## March 4

Child Abuse and Neglect, Governor's Advisory Board  
on

## March 5

† Dentistry, Virginia Board of

## March 6

† Dentistry, Virginia Board of

## March 15

Women, Council on the Status of

## March 16

† Contractors, State Board for  
Corrections, State Board of  
† Timberlands Board, Reforestation of  
Treasury Board  
Women, Council on the Status of

## March 17

† Education, State Board of

## March 18

† Education, State Board of

## April 5

† Real Estate Board, Virginia

## April 6

† Real Estate Board, Virginia

## April 7

† Real Estate Board, Virginia

## April 13

Pilots, Board of Commissioners to Examine

## April 21

† Medicine, Virginia State Board of

# Calendar of Events

---

- Chiropractic Examination Committee
- † William and Mary, The Board of College of
- Board of Visitors

## April 22

- † William and Mary, The College of
- Board of Visitors

## May 3

- † Auctioneers Board

## PUBLIC HEARINGS

### February 4

Social Services, Department of

### February 9

Auctioneers Board

### February 10

Commerce, Department of

### February 17

† Milk Commission

### February 22

Voluntary Formulary Board, Virginia

### February 23

Water Control Board, State

### February 25

Education, Department of  
Water Control Board, State

### February 29

Water Control Board, State

### March 1

Water Control Board, State

### March 9

Water Control Board, State

### March 17

Education, Department of

### April 1

† Transportation, Department of